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# SESSION LAWS OF 1905.

## ERRATA.

The following corrections are printed so that they may be cut apart and inserted in your session laws at page designated in order to correct errors in printing.

SAM H. NICHOLS,  
*Secretary of State.*

Page 65, second line from top, "election" should read "electors."

Page 118, fifteenth line from top, insert "due" after "fees."

Page 118, seventeenth line from bottom, "hereinafter" should read "hereinbefore."

Page 160, fourth line of section 22, "losses" should read "lessees."

Page 165, ninth line of section 2, insert after "on" the following: "therein; and if in any factory, mill or workshop, any process is carried on"

Page 205, fifteenth line of section 1, insert "or" before "by."

Page 217, in both titles, "Agricultural" should read "Apicultural."

Page 244, second line of section 1, insert "savings" after "bank."

Page 282, first line of section 1, insert "dam or" after "or."

Page 312, fourth line from end of section 2, "quality" should read "quantity."

Page 322, sixth line from top, "appointed" should read "appropriated."

Page 324, seventh line from top, "county" should read "deputy."

Page 326, fourth line from top, insert "until" after "only."

Page 341, tenth line from bottom, omit "to furnish to the fish commissioner" and insert after "wheel," the following "and the said additional fee shall be paid."

Page 358, eighth line of section 7, insert after "providing," the following: "for the survey, establishment and repair of certain highways."

Items of appropriation bill passed by the legislature of 1903 and vetoed by the governor, passed over the governor's veto by legislature of 1905, and omitted in returning to Secretary of State by clerk of the House.

For the relief of Franklin county.....	\$5,884.42
For the relief of Spokane county.....	3,837.06
For the relief of Kittitas county.....	3,765.98
For the relief of Thurston county.....	1,641.69
For the relief of Yakima county.....	4,890.28

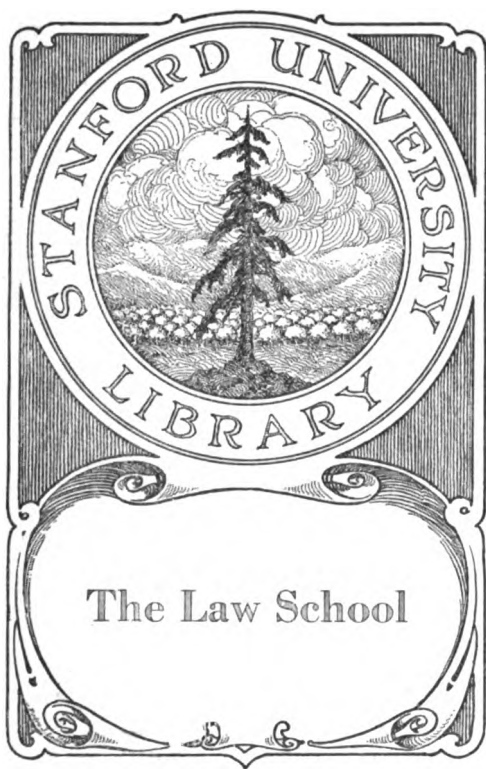
The above items were  
vetoed by the governor on

Passed the Senate J

notwithstanding the

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SESSION LAWS

OF THE

State of Washington

NINTH SESSION

1905

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Compiled by Chapters, with Marginal Notes  
By SAM H. NICHOLS  
Secretary of State

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PUBLISHED BY AUTHORITY

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1905

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# STATE GOVERNMENT.

1905.

CAPITOL . . . . . OLYMPIA

## EXECUTIVE OFFICERS

GOVERNOR	LIEUT. GOVERNOR
SECRETARY OF STATE	AUDITOR
TREASURER	ATTORNEY GENERAL

## TERM COMMENCING 1905.

### OFFICE OF GOVERNOR

ALBERT E. MEAD... *Governor*..... Olympia  
A. N. BROWN..... *Private Secretary*.... Olympia  
CHARLES E. COON... *Lieut. Governor*..... Pt. Townsend

### OFFICE OF SECRETARY OF STATE

SAM H. NICHOLS... *Secretary of State*..... Olympia  
J. THOS. HICKEY... *Asst. Sec'y of State*... Olympia

### OFFICE OF STATE AUDITOR

C. W. CLAUSEN..... *Auditor of State*..... Olympia  
F. P. JAMESON..... *Deputy Auditor*..... Olympia

### OFFICE OF STATE TREASURER

GEORGE G. MILLS... *Treasurer of State*... Olympia  
C. E. MAYNARD..... *Deputy Treasurer*... Olympia

### OFFICE OF ATTORNEY GENERAL

JOHN D. ATKINSON... *Attorney General*... Olympia  
A. J. FALKNOR..... *Asst. Att'y Gen'l.*... Olympia  
ERNEST C. MACDONALD *Second Assistant*  
*Attorney General*. Spokane  
ROBERT F. BOOTH.... *Third Assistant*  
*Attorney General*. Seattle

### OFFICE OF COMMISSIONER OF PUBLIC LANDS

E. W. ROSS..... *Commssioner*..... Olympia  
H. P. NILES..... *Asst. Commissioner*.. Olympia

### OFFICE OF SECRETARY OF STATE—INSURANCE DEPARTMENT

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*Insurance, Ex-officio* Olympia  
JOHN H. SHIVELY... *Deputy Insurance*  
*Commissioner*..... Olympia

DEPARTMENT OF PUBLIC INSTRUCTION

R. B. BRYAN.....*State Superintendent*. Olympia

F. M. MCCULLY.....*Assistate State  
Superintendent*....Olympia

HENRY B. DEWEY... *Assistant State  
Superintendent*....Olympia

OFFICE OF ADJUTANT GENERAL

JAS. A. DRAIN.....*Adjutant General*....Olympia

CAPT. JOHN KINZIE, U. S. Army, Retired, Detailed by War  
Dept. for duty with National Guard of Washington.

BUREAU OF LABOR

CHAS. F. HUBBARD...*Commissioner*.....Olympia

C. F. OWEN.....*State Coal Mine  
Inspector*.....Tacoma

OFFICE OF STATE LIBRARIAN

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BUREAU OF STATISTICS

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BOARD OF CONTROL OF STATE INSTITUTIONS

M. F. KINCAID, Chairman.....Olympia

JAS. H. DAVIS.....Olympia

H. T. JONES.....Olympia

SUPREME COURT OF 1905.

WALLACE MOUNT... *Chief Justice*.....Olympia

R. O. DUNBAR..... *Associate Justice*....Olympia

MARK A. FULLERTON *Associate Justice*....Olympia

HIRAM E. HADLEY.. *Associate Justice*....Olympia

FRANK H. RUDKIN.. *Associate Justice*....Olympia

MILO A. ROOT..... *Associate Justice*....Olympia

HERMAN D. CROW... *Associate Justice*....Olympia

C. S. REINHART..... *Clerk*.....Olympia

ARTHUR REMINGTON *Reporter*.....Olympia

SUPERIOR COURT JUDGES.

A. W. FRATER.....

ARTHUR E. GRIFFIN.

BOYD J. TALLMAN...

GEORGE E. MORRIS...

R. B. ALBERTSON....

MITCHELL GILLIAM..

} *King*..... Seattle

W. H. SNELL.....	{	<i>Pierce</i> .....	Tacoma
THAD HUSTON.....			
W. O. CHAPMAN....			
MILES POINDEXTER..	{	<i>Spokane</i> .....	Spokane
HENRY L. KENNAN..			
W. A. HUNEKE.....			
DANIEL C. CAREY.....		<i>Stevens</i> .....	Northport
W. W. MCCREDIE....	{	<i>Clarke, Skamania,</i>	
		<i>Cowlitz and</i>	
		<i>Klickitat</i> .....	Vancouver
GEORGE C. HATCH...	{	<i>Clallam</i>	
		<i>Jefferson</i>	
		<i>Island</i> .....	Pt. Angeles
O. V. LINN.....	{	<i>Thurston and</i>	
		<i>Mason</i> .....	Olympia
S. J. CHADWICK.....		<i>Whitman</i> .....	Colfax
GEO. A. JOINER.....		<i>Skagit and San Juan</i>	Anacortes
W. T. WARREN.....		<i>Adams and Lincoln</i>	Wilbur
R. S. STEINER.....	{	<i>Okanogan, Douglas,</i>	
		<i>Chelan and</i>	
		<i>Ferry</i> .....	Waterville
JOHN B. YAKEY.....		<i>Kitsap</i> .....	Pt. Orchard
W. W. BLACK..		<i>Snohomish</i> .....	Everett
JEREMIAH NETERER. .		<i>Whatcom</i> .....	Bellingham
A. E. RICE.....	{	<i>Pacific</i>	
		<i>Lewis</i>	
		<i>Wahkiakum</i> .....	Chehalis
THOS. H. BRENTS.....		<i>Walla Walla</i> .....	Walla Walla
H. B. RIGG.....	{	<i>Kittitas, Yakima,</i>	
		<i>Franklin and</i>	
		<i>Benton</i> .....	North Yakima
MASON IRWIN.....		<i>Chehalis</i> .....	Montesano
CHESTER F. MILLER..	{	<i>Columbia</i>	
		<i>Garfield</i>	
		<i>Asotin</i> .....	Dayton





**MEMBERS OF THE SENATE, NINTH SESSION, 1905.**

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
1....	Dr J. I. Pogue.....	Douglas..... Ferry..... Okanogan....	Alma.....	Republican
2....	M. E. Stansell†.....	Stevens.....	Rice.....	Republican
3....	Dr. C. G. Brown.....	Spokane.....	Spokane.....	Republican
4....	Walker A. Henry.....	Spokane.....	Spokane.....	Republican
5....	E. C. Bratt.....	Spokane.....	Plaza.....	Republican
6....	Will G. Graves†.....	Spokane.....	Spokane.....	Democrat
7....	Huber Bashert.....	Spokane.....	Spokane.....	Democrat
8....	G. B. Wilson†.....	Whitman.....	Pullman.....	Republican
9....	H. M. Boone.....	Whitman.....	Palouse.....	Republican
10....	S. S. Russell.....	Asotin..... Columbia..... Garfield..... Adams.....	Pomeroy.....	Republican
11....	O. T. Hutson.....	Franklin..... Walla Walla..	Connell.....	Republican
12....	Fred M. Pauly.....	Walla Walla..	Walla Walla..	Republican
13....	J. P. Sharp*.....	Ochelan.....	Ellensburg.....	Republican
14....	Arthur Gunn.....	Kittitas.....	Wenatchee.....	Democrat
15....	Geo. A. Kennedy.....	Lincoln.....	Odessa.....	Republican
16....	Walter J. Reed.....	Benton..... Yakima.....	North Yakima....	Republican
17....	Geo. H. Baker†.....	Klickitat.....	Goldendale.....	Republican
18....	E. M. Rands.....	Skamania.....	Vancouver.....	Republican
19....	A. L. Watson.....	Clarke.....	Kalama.....	Republican
20....	John T. Welsh†.....	Cowlitz.....	South Bend.....	Republican
21....	J. A. Veness.....	Pacific..... Wahkiakum....	Winlock.....	Republican
22....	J. R. O'Donnell†.....	Lewis.....	Elma.....	Republican
23....	A. S. Ruth.....	Ohehalla.....	Olympia.....	Republican
24....	E. W. Oendon.....	Thurston..... Island..... Kitsap..... Mason..... Ollaham.....	Port Gamble.....	Republican
25....	Cyrus F. Olapp†.....	Jefferson..... San Juan.....	Port Townsend....	Republican
26....	Carey L. Stewart.....	Pierce.....	Puyallup.....	Republican
27....	W. E. Bronson.....	Pierce.....	Tacoma.....	Republican
28....	Walter Christian.....	Pierce.....	Tacoma.....	Republican
29....	Lincoln Davis.....	Pierce.....	Tacoma.....	Republican
30....	Samuel M. Le Crone†.....	Pierce.....	Tacoma.....	Republican
31....	Dr. J. J. Smith†.....	King.....	Enumclaw.....	Republican
32....	A. T. Van de Venter†.....	King.....	Duwamish.....	Republican
33....	Orville A. Tuckert.....	King.....	Seattle.....	Republican
34....	A. Hemrich†.....	King.....	Seattle.....	Republican
35....	Wm. Hickman Moore†.....	King.....	Seattle.....	Democrat
36....	T. B. Sumner.....	King.....	Seattle.....	Republican
37....	Ritchie M. Kinnear†.....	King.....	Seattle.....	Republican
38....	Edward B. Palmer†.....	King.....	Seattle.....	Republican
39....	T. B. Sumner.....	Snohomish.....	Everett.....	Republican
40....	S. T. Smith†.....	Snohomish.....	Marysville.....	Republican
41....	Emerson Hammet†.....	Skagit.....	Sedro-Woolley....	Republican
42....	T. A. Hunter.....	Whatcom.....	Blaine.....	Republican
43....	John Earlest.....	Whatcom.....	Bellingham.....	Democrat

† Holdover

\* J. P. Sharp died February 9th. Arthur Gunn elected to serve unexpired term.

**MEMBERS OF HOUSE OF REPRESENTATIVES, NINTH SESSION, 1905.**

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
1..	J. A. Kellogg.....	Stevens.....	Northport.....	Republican
	M. J. Maloney.....	Stevens.....	Colville.....	Democrat
2..	Jesse Huxtable.....	Spokane.....	Spokane.....	Republican
	Daniel Hoch.....	Spokane.....	Spokane.....	Republican
	W. D. Scott.....	Spokane.....	Spokane.....	Republican
3..	D. P. Bowers.....	Spokane.....	Latah.....	Republican
	O. A. Ratcliffe.....	Spokane.....	Cheney.....	Republican
4..	John A. Fancher.....	Spokane.....	Manila.....	Republican
	George T. Crane.....	Spokane.....	Spokane.....	Republican
5..	N. E. Linsley.....	Spokane.....	Spokane.....	Republican
	G. T. Doolittle.....	Spokane.....	Spokane.....	Republican
6..	Jos. B. Lindaley.....	Spokane.....	Spokane.....	Republican
	Peter McGregor.....	Whitman.....	Hooper.....	Republican
7..	LeRoy Stillson.....	Whitman.....	Diamond.....	Republican
	E. E. Smith.....	Whitman.....	St. John.....	Republican
8..	G. C. Kenoyer.....	Whitman.....	Palouse.....	Republican
9....	Dr. H. C. Fulton.....	Asotin.....	Asotin.....	Republican
10....	W. O. Long.....	Garfield.....	Pomeroy.....	Republican
11....	F. M. Weatherford.....	Columbia.....	Columbia.....	Democrat
12....	Wm. H. Weber.....	Walla Walla.....	Walla Walla.....	Republican
	W. M. Rudio.....	Walla Walla.....	Walla Walla.....	Republican
13..	E. R. Henderson.....	Walla Walla.....	Waitsburg.....	Republican
14....	Frank Allen.....	Franklin.....	Kahlotus.....	Republican
15....	J. D. Bassett.....	Adams.....	Ritzville.....	Republican
	A. S. Melcher.....	Lincoln.....	Edwall.....	Republican
16..	E. D. Reiter.....	Lincoln.....	Davenport.....	Republican
17....	W. A. Bolinger.....	Okanogan.....	Methow.....	Republican
18....	W. H. Hughes.....	Douglas.....	Hartline.....	Republican
	Geo. E. Dickson.....	Kittitas.....	Ellensburg.....	Republican
19..	Andrew Olson.....	Kittitas.....	Ellensburg.....	Republican
	Dr. W. H. Hare.....	Yakima.....	North Yakima.....	Republican
20..	Lee A. Johnson.....	Yakima.....	Sunnyside.....	Republican
	W. Coats.....	Klickitat.....	Goldendale.....	Republican
22....	J. M. Stevenson.....	Skamania.....	Stevenson.....	Republican
	A. M. Blaker.....	Clarke.....	Vancouver.....	Republican
23..	E. A. Blackmore.....	Clarke.....	Ridgefield.....	Republican
24....	Oliver Byerly.....	Cowlitz.....	Ostrander.....	Republican
25....	J. G. Megler.....	Wahkiakum.....	Brookfield.....	Republican
26....	W. R. Williams.....	Pacific.....	Chinook.....	Republican
	Geo. H. Miller.....	Lewis.....	Centralia.....	Republican
27..	Geo. McCoy.....	Lewis.....	Napavine.....	Republican
	J. A. Ulsh.....	Lewis.....	Kosmos.....	Republican
	Robt. Ayer.....	Thurston.....	Olympia.....	Democrat
28..	S. W. Fenton.....	Thurston.....	Tenino.....	Republican
	E. B. Benn.....	Oehalis.....	Aberdeen.....	Republican
29..	E. L. Minard.....	Oehalis.....	Elma.....	Republican
30....	Geo. L. Davis.....	Oehalis.....	Hoquiam.....	Republican
31....	Geo. H. Vogtlin.....	Mason.....	Shelton.....	Republican
32....	D. J. Davis.....	Kitsap.....	Bremerton.....	Republican
	F. Albert Bartlett.....	Jefferson.....	Pt. Townsend.....	Republican
33..	Wm. Bishop, Jr.....	Jefferson.....	Chimacum.....	Republican
34....	Walter J. Dyke.....	Clallam.....	Pt. Angeles.....	Republican
	Dr. J. H. Sheets.....	Pierce.....	Buckley.....	Republican
35..	Dr. S. W. Roberts.....	Pierce.....	Fairfax.....	Republican
	David Levin.....	Pierce.....	Tacoma.....	Republican
36..	Lee Van Slyke.....	Pierce.....	Vaughn Bay.....	Republican

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
37..	Fred Eldemiller.....	Pierce.....	Tacoma.....	Republican
	Geo. T. Reid.....	Pierce.....	Tacoma.....	Republican
38..	N. B. McNicol.....	Pierce.....	Tacoma.....	Republican
	S. A. Crandall.....	Pierce.....	Tacoma.....	Republican
39..	Jesse Poyna.....	Pierce.....	Tacoma.....	Republican
	Thos. Hamilton.....	Pierce.....	So. Tacoma.....	Republican
40..	M. M. Morrill.....	King.....	Kent.....	Republican
	Wesley W. Brown.....	King.....	Black Diamond.....	Republican
	W. H. Clark.....	King.....	Vashon.....	Republican
41..	Thos. Dobson.....	King.....	Renton.....	Republican
	Jos. Irving.....	King.....	Snoqualmie.....	Republican
42..	David McVay.....	King.....	Ballard.....	Republican
	G. Erickson.....	King.....	Bothell.....	Republican
43..	Frank A. Twitchell.....	King.....	Seattle.....	Republican
	Chas. E. Houston.....	King.....	Seattle.....	Republican
44..	Jos. H. Dawes.....	King.....	Seattle.....	Republican
	James Weir.....	King.....	Seattle.....	Republican
45..	Elmer E. Todd.....	King.....	Seattle.....	Republican
	Frank H. Renick.....	King.....	Seattle.....	Republican
46..	Jos. Lyons.....	King.....	Seattle.....	Republican
	Chas. S. Gleason.....	King.....	Seattle.....	Republican
47..	Calvin E. Vilas.....	King.....	Seattle.....	Republican
	Robert F. Booth.....	King.....	Seattle.....	Republican
48..	J. A. Falconer.....	Snohomish.....	Everett.....	Republican
	H. L. Strobbridge.....	Snohomish.....	Everett.....	Republican
49..	B. H. Morgan.....	Snohomish.....	Snohomish.....	Republican
	John A. Theurer.....	Snohomish.....	Robe.....	Republican
50..	K. P. Frostad.....	Island.....	Utsalady.....	Republican
	N. J. Moldstad.....	Skagit.....	Mt. Vernon.....	Republican
51..	R. Lee Bradley.....	Skagit.....	Anacortes.....	Republican
	J. O. Rudene.....	Skagit.....	La Conner.....	Republican
52..	Wm. Shultz.....	San Juan.....	Roche Harbor.....	Republican
	R. S. Lambert.....	Whatcom.....	Sumas.....	Republican
53..	Dr. W. C. Keyes.....	Whatcom.....	Ferndale.....	Republican
	Chas. I. Roth.....	Whatcom.....	Bellingham.....	Republican
54..	L. N. Griffin.....	Whatcom.....	Bellingham.....	Republican
55..	J. L. Harper.....	Ferry.....	Republic.....	Democrat
56..	Chas. Johnson.....	Chelan.....	Lakeside.....	Republican



# Laws of Washington.

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## CHAPTER I.

(S. B. No. 25)

### LEGISLATIVE EXPENSES.

**AN ACT** appropriating the sum of eighty thousand dollars or so much thereof as may be necessary, for the expenses of the Ninth Legislature.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington, the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary, to be used for the purpose of the Ninth Legislature of the State of Washington.

Passed the Senate January 11, 1905.

Passed the House January 11, 1905.

Approved by the Governor January 13, 1905.

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## CHAPTER 2.

(S. B. No. 169—Session of 1903)

### FOR THE RELIEF OF E. G. BICKERTON.

**AN ACT** for the relief of E. G. Bickerton for services as a licensed auctioneer in the matter of the sale of certain school lands in King County, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the sum of two thousand dollars (\$2,000.00) be and the same is hereby appropriated out of the State treasury, from any funds not otherwise appropriated, <sup>Appropriation.</sup>

to pay E. G. Bickerton, a licensed auctioneer, for services rendered as such auctioneer in selling certain school lands in King County, Washington, at the special instance and request of the County Commissioners of said County.

SEC. 2. The State Auditor is hereby authorized to draw a warrant on the State Treasurer for the said sum of two thousand dollars (\$2,000.00) in favor of the said E. G. Bickerton and said Treasurer is hereby directed to pay said warrant out of any funds in the State treasury not otherwise appropriated.

Passed the Senate March 6, 1903.

Passed the House March 11, 1903.

NOTE BY THE SECRETARY OF STATE: The above act was vetoed by the Governor on March 21, 1903, and filed in this office. Same was referred to the Legislature at its ninth session, January 9, 1905.

SAM H. NICHOLS,  
Secretary of State.

NOTE BY PRESIDENT OF THE SENATE: Passed the Senate, over the Governor's veto, January 16, 1905.

CHARLES E. COON,  
President of the Senate.

NOTE BY SPEAKER OF THE HOUSE OF REPRESENTATIVES: Passed the House, over the Governor's veto, January 18, 1905.

JOSEPH G. MEGLER,  
Speaker of the House of Representatives.

### CHAPTER 3.

(S. B. No. 85—Session of 1903)

#### FOR THE RELIEF OF THE PUGET SOUND SAW MILL AND SHINGLE COMPANY.

AN ACT for the relief of the Puget Sound Saw Mill and Shingle Company for money paid on a contract for the sale of tide lands, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and hereby is appropriated out of any money in the State treasury not otherwise appropriated, the sum of four hundred and fifty and 39-100 dollars

Appropriation.

(\$450.39) for the relief of said Puget Sound Saw Mill and Shingle Company, and the State Auditor is authorized to draw a warrant on the State Treasurer for said amount in favor of said Puget Sound Saw Mill and Shingle Company, and said State Treasurer is hereby authorized to pay the same out of any money in the State treasury not otherwise appropriated.

Passed the Senate February 18, 1903.

Passed the House March 11, 1903.

NOTE BY THE SECRETARY OF STATE: The above act was vetoed by the Governor on March 21, 1903, and filed in this office. <sup>Passed over</sup> Same veto of 1903. was referred to the Legislature at its ninth session, January 9, 1905.

SAM H. NICHOLS,  
Secretary of State.

NOTE BY PRESIDENT OF THE SENATE: Passed by the Senate, over the Governor's veto, January 16, 1905.

CHARLES E. COON,  
President of the Senate.

NOTE BY SPEAKER OF THE HOUSE OF REPRESENTATIVES: Passed by the House, over the Governor's veto, January 18, 1905.

JOSEPH G. MEGLER,  
Speaker of the House of Representatives.

## CHAPTER 4.

(S. B. No. 5)

### REPEALING ACT OF 1899, RELATIVE TO RETRACTION OF LIBEL.

AN ACT repealing Chapter LIX, Session Laws of 1899, same being an act entitled "An act relating to the law of libel and providing for opportunity of retraction of libel," and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Chapter LIX of the Session Laws of 1899, same being entitled "An act relating to the law of libels and providing for opportunity of retraction of libels," be and the same is hereby repealed.

SEC. 2. An emergency exists and this Act shall take effect immediately.

Passed the Senate January 17, 1905.

Passed the House January 18, 1905.

Approved by the Governor January 19, 1905.

## CHAPTER 5.

(S. B. No. 49)

INCREASING NUMBER OF JUDGES OF SUPREME COURT  
FROM FIVE TO SEVEN.

AN ACT to increase the number of judges of the Supreme Court of the State of Washington, relating to the powers of said Court, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

Number

SECTION 1. The Supreme Court, from and after the passage of this act, shall consist of seven judges.

Quorum.

SEC. 2. A majority of the judges shall be necessary to form a quorum and to pronounce a decision, but the Court may provide for any number not less than a quorum to sit from time to time for the hearing of causes: *Provided*, That when a cause has been presented to a less number than all of the judges and four of the judges so sitting cannot agree on a decision, the parties to the action shall be notified and they shall have the right to resubmit it to the full Court under such rules as the Court may provide.

Vacancies.

SEC. 3. The vacancies existing in the office of the two additional judges hereby provided for shall be for the term commencing from and after the second Monday in January of the year 1903, and ending on the second Monday in January in the year 1909, and upon the taking effect of this act shall be filled by appointment by the Governor, and the judges so appointed shall hold their office until the next general election and until their successors are elected and qualified, but the persons so elected shall hold their offices only for the remainder of the unexpired term herein provided for, so that at the election of judges for the term commencing from and after the second Monday in January, 1909, three judges shall be elected for the full term of six years and likewise every six years thereafter.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the Senate January 18, 1905.

Passed the House January 18, 1905.

Approved by the Governor January 19, 1905.



## CHAPTER 6.

(S. B. No. 15)

**TO PROVIDE FOR STATE EXHIBIT AT LEWIS AND CLARK FAIR AT PORTLAND, OREGON, IN 1905.**

**AN ACT** to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, making an appropriation therefor, and repealing Chapter One Hundred and Eighty-eight (188) of the Session Laws of 1903, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

**SECTION 1.** That for the purpose of exhibiting the resources, products and general developments of the State of Washington at the Lewis and Clark Exposition at Portland, Oregon, in 1905, there is hereby created a commission known as the Lewis and Clark Exposition Commission of the State of Washington. Such Commission shall be non-partisan, and shall contain not more than seven (7) members, who shall be appointed by the Governor, and all shall be residents of this State. They shall hold their office from the date of appointment to January 1, 1906, unless sooner removed for cause, by the Governor, and in case of such removal, or their death or inability or refusal to act, their successors shall be appointed by the Governor.

Governor to  
appoint.

**SEC. 2.** Each of said Commissioners hereby appointed shall serve without salary, but shall be allowed his actual necessary expenses incurred in attending meetings of said Commission in the discharge of his duties, to be paid out of the money hereinafter appropriated, upon vouchers approved by the Commission.

Compensation.

**SEC. 3.** The members of said Board of Commissioners shall meet subject to the call of the Governor within five (5) days after this act becomes a law at such time and place as he may designate, and shall select from its members a president and secretary who shall keep a record of its proceedings. They shall fix the salaries of all persons employed by them in collecting, installing and displaying the exhibit herein provided for, such salaries to be paid out of the fund hereinafter appropriated. They shall cause to be kept double

Meeting of  
board.

**Accounts and reports.** entry accounts together with complete vouchers covering every financial transaction involving the disbursement of the fund hereinafter appropriated, and at the close of the Exposition period shall report to the Governor of the State of Washington a complete summary of their administration, and detailed statement of disbursements made. They shall

**Executive Commissioner.** appoint an Executive Commissioner who shall be a citizen of the State of Washington. The said Executive Commissioner shall be and is hereby authorized and empowered to assume and exercise all powers and functions necessary to secure, install [and] maintain a complete and creditable display of the resources, products and interests of the State of Washington at the said Exposition. The said Executive Commissioner shall have direct charge of the solicitation, collection, transportation, installation and exhibition of all materials sent under authority of the State to the said Exposition, and during the term of his office shall have authority over the employees and assistants engaged in assembling, installing and displaying the said exhibit. He shall make

**Report and bond of Commissioner.** report to the Commissioner [Commission] as often as required, and shall hold office at the pleasure of the said Commission. The said Executive Commissioner shall be required to furnish a surety company bond in favor of the Treasurer of the State of Washington, conditioned that he will faithfully perform all the duties appertaining to his office and will faithfully account for all funds coming into his hands as such Executive Commissioner, bond to be approved by the said Commission, in the sum of ten thousand dollars (\$10,000), or such greater sum as the Commission may require.

**State bureaus, etc., to assist Commission.** SEC. 4. All State bureaus, including the Bureau of Mining, Horticulture, Agriculture, Fisheries and others, are authorized and directed to co-operate with said Washington and Lewis and Clarke Commission and to forward to the Lewis and Clark Exposition all the collections and cabinets belonging to the State.

SEC. 5. After the close of said Exposition, the said Executive Commissioner, or in case the term of office of the members of the State Commission has expired, then the Governor shall have the power to sell such exhibits as the State may have interest in, and which is proper to dispose of to the best advantage of the State, and shall deposit the proceeds in the general fund of the State treasury; and shall

**Sale of exhibits.**

also return to the owners such exhibits as may be loaned for exhibition purposes, free of cost to said owners.

SEC. 6. All counties, districts or individuals desiring to send articles to said Exposition, may do so by having the same delivered in good order for shipment at a place or places to be designated by the Executive Commissioner, where they shall be received by him and carefully stored until the proper time for shipment to such Exposition, and such Executive Commissioner shall forward all such articles as shall be deemed worthy of exhibition to Portland, Oregon; the freight or expense charges to and from Portland shall be paid out of the fund hereinafter appropriated.

Care and  
storage of  
exhibits be  
fore shipment

SEC. 7. The Commissioners appointed to make an exhibit of the resources of the State of Washington at the Louisiana Purchase Exposition at St. Louis, in 1904, are hereby authorized and directed to save all suitable exhibits from the State of Washington, and to turn the same over to the Commission herein created for the purpose of having the same used as a part of the exhibit by this State at the said Lewis and Clark Exposition.

St. Louis  
exhibit to  
be used.

SEC. 8. To carry out the purpose and provisions of this act the sum of seventy-five thousand dollars (\$75,000.), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated. The State Treasurer is hereby directed to pay the money to the Executive Commissioner from time to time upon the requisition of the State Commission by its president and secretary and approved by the State Auditor.

Appropriation

SEC. 9. The Governor of the State shall issue a commission as provided for in Section 15, Article III, of the State Constitution, to the person selected for Executive Commissioner of the Lewis and Clark Exposition.

Issuance of  
commission  
to Executive  
Commissioner.

SEC. 10. Chapter one hundred and eighty-eight (188) of the laws of 1903, as approved March 21, 1903, is hereby repealed.

Repeal.

SEC. 11. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate January 20, 1905.

Passed the House January 23, 1905.

Approved by the Governor January 25, 1905.

MONTANA  
STATE LAW LIBRARY

## CHAPTER 7.

(H. Sub. Bill No. 30—Session of 1903)

PROVIDING FOR THE ESTABLISHMENT AND REPAIR OF  
CERTAIN STATE HIGHWAYS.AN ACT providing for the survey establishment and repair of  
certain State highways, and making an appropriation therefor.*Be it enacted by the Legislature of the State of Washington:*Appointment,  
qualifications,  
salary and  
bond of Com-  
missioner.

SECTION 1. There shall be appointed by the Governor a Highway Commissioner who shall hold office for two years. Said Commissioner shall be a capable and experienced civil engineer and surveyor. He shall receive an annual compensation of two thousand five hundred dollars and shall be allowed his actual traveling expenses while officially employed not to exceed one thousand dollars in any one year and shall be allowed his office expenses not to exceed fifteen hundred dollars in any one year. He shall give bond in the sum of five thousand dollars conditioned for the faithful performance of his duties.

State High-  
way Board.

SEC. 2. The State Auditor, the State Treasurer and the Highway Commissioner shall for a period of two years from the appointment of said Commissioner compose a State Highway Board.

Office with  
State Land  
Commissioner.

SEC. 3. The Commissioner shall be furnished with a suitable office in the Capitol Building in connection with the State Land Commissioner, where his records shall be preserved, and which said office shall be kept open at such times as the business of the Commissioner shall require. He shall keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications and estimates submitted to him. The Commissioner shall prepare and submit to the ninth regular session of the Legislature of the State of Washington a report of his doings.

Apportion-  
ment by  
Counties.

SEC. 4. Immediately upon the appointment of said Commissioner the said Highway Board shall decide what proportion of the amount appropriated for each of the roads hereinafter described shall be expended within the boundaries of each of the several counties through which it is proposed

to pass, and shall so notify the County Commissioners of the several counties.

SEC. 5. Upon receipt of the said notice the County Commissioners of each of the said counties shall, unless such highway has been heretofore surveyed, direct a survey to be made of the entire length of said highway in said county; and they shall also have the same mapped, both in outline and in profile and shall also have plans and specifications prepared for the construction or the repair of said highway. Such maps, plans and specifications shall be thereupon submitted to the Highway Commissioner and no portion of the appropriation hereinafter made shall be expended upon said road until the said Highway Board shall have declared said road feasible and the Highway Commissioner shall have approved said outline and profile maps and said plans and specifications for the entire length of said road in said county; nor until the County Commissioners of said county secure the dedication or condemnation of such right-of-way for said highway as the Highway Board shall designate, and shall provide for the expenditure upon said road within said county from the county funds of a sum equal to one-half the amount of the said appropriation to be expended by the State, exclusive of expense incurred in connection with the survey; the preparation of maps, plans and specifications and the supervision and inspection of said highway, it being the intention of this act that the entire amount appropriated for highways and an amount equal to one-half of each appropriation shall be expended in actual construction work under contract on said road.

Survey and  
plat.

County to  
expend  
amount  
equal to  $\frac{1}{2}$ .

SEC. 6. Upon the approval of the above mentioned maps, plans and specifications, it shall be the duty of said County Commissioners to call for bids for the construction of said highway or such sections thereof as the Highway Board shall designate, according to the maps, plans and specifications heretofore mentioned. Calls for said bids shall be made by publication in the official county paper, and also in some daily paper of general circulation in the State to be designated by the said Highway Commissioner, for not less than three consecutive weeks prior to the time set by said Commissioners for the opening of said bids. The said Highway Commissioners shall meet with the said County Commissioners on the occasion of the opening of said bids and no contract entered into for the construction of said road shall be

Bids—call for.

Opening of  
bids.

binding upon the State without the approval of said Commissioners. The said Highway Commissioner or the County Commissioners shall have the right to reject any and all bids if in their opinion good cause exists therefor, but otherwise shall award the contract to the lowest bidder. The Highway

Bond of successful bidder.

Commissioner shall require a bond from the successful bidder in the full amount of the contract conditioned upon the faithful performance of the contract according to law. Each bidder shall deposit with his bid a certified check in an amount equal to ten per cent. of the amount of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract and furnish the bond hereinbefore provided within five days after the notice of such award, the amount of such check shall be forfeited to the road and bridge fund of said county.

Forfeit of check by contractor.

Appropriation.

SEC. 7. For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of one hundred and ten thousand dollars (\$110,000); ten thousand dollars (\$10,000) to be for salary and expenses, and one hundred thousand dollars (\$100,000) to be apportioned as hereinafter provided, to-wit: (1) For completing the wagon road authorized by an act entitled "An act providing for the survey and establishment of a State road; creating a commission; defining its duties and making an appropriation therefor, and declaring an emergency," approved March 18, 1897, one-half of the following named sum to be expended on the road provided for by the above entitled act as established between a point on the west side of Section nine (9) in Township nineteen (19), north, of Range seven

King County.

(7), east of W. M., in King County, Washington, and the summit of the Cascade mountains, and the other one-half shall be expended along the line of said road as surveyed and established from that point where it intersects the County road at Natchez river to the summit of the Cascade mountains, the sum of \$13,500.

Ferry and Stevens Counties.

(2) For building a State road in Stevens and Ferry Counties, as follows, to-wit: Commencing at the town of Newport, Stevens County, Washington, and following the road to "Lucke," then following the west bank of the Pend d' Oreille river to Ione, thence up Little Muddy Creek to the head of same, thence by the most practical route to the Deep Creek County road, thence down said road to the City

of Northport, Stevens County, Washington, situate on the east bank of the Columbia river to the west bank of same, thence following the west bank of the Columbia river in a southwesterly course to Little Dalles, a distance of six miles, thence west five miles to Lee & Miller's store on Flat creek, thence up Flat creek in a northerly direction to the Big Iron mine, a distance of about ten miles, thence down Pierre creek ten miles to Pierre Lake, thence in a westerly course about four miles to rock cut in Stevens County, Washington, thence across Kettle river on the County road in a northerly direction to Orient in Ferry County, Washington, a distance of about three miles, the sum of \$6,000.

(3) For building a State road in Chelan and Skagit Counties as follows, to-wit: Beginning at a point where the present wagon road running north from Leavenworth to Lake Wenatchee in Chelan County, crosses the north boundary line of the north-west quarter of Section 5, Township 26, north, Range 18, east, W. M., and running thence in a northerly direction up the Chiwak river by the most feasible route to the mouth of Buck creek; thence up Buck creek by the most feasible route to the summit of the Cascade mountains; thence over said summit to the headwaters of Suiattle creek in Snohomish County; thence over and along and over the most practicable and feasible route to connect with the Sauk-Darrington County road in Skagit County, the sum of \$4,000.

(4) For building and repair of a State road and bridges in Ferry and Okanogan Counties, as follows, to-wit: Beginning at the mouth of the Sans Poil creek on the Columbia river, thence up said creek to the City of Republic in Ferry County, Washington, and thence from said City of Republic to the town of Loomis, in Okanogan County, Washington, the sum of \$6,000.

(5) For the building of a State wagon road in Yakima and Lewis Counties, as follows, to-wit: Beginning at a point in the center of the public highway running from the town of Napavine to Klickitat prairie in Lewis County, Washington, at the point nearest to the south-east corner of Section 10 in Township 12, north of Range 1, east of Willamette meridian, and running thence by way of Klickitat prairie and Riffe Postoffice in a generally easterly course up the Cowlitz river and its tributaries to the summit of the Cascade mountains at the Cowlitz pass, thence easterly to-

wards the town of North Yakima to a point in Yakima County, intersecting with a public highway leading to the town of North Yakima, said road to be known and designated as the Cowlitz Pass State road, the sum of \$26,000.

Whatcom and  
Skagit  
Counties.

(6) For the building of a State wagon road in Whatcom and Skagit Counties as follows, to-wit: Commencing on the public road at a point one mile north of that point where the same intersects the north line of Skagit County in Section 6, Township 36 north, Range 3 east, W. M., running thence southerly to [by] the most practicable route to connect with the public road at Blanchard Slough in Skagit County, a distance of seven miles, the sum of \$6,000.

King and  
Kittitas  
Counties.

(7) For the rebuilding, repair and improvement of the old wagon road through the Snoqualmie pass from North Bend in King County to Easton in Kittitas County, the sum of \$7,000.

Klickitat,  
Skamania  
and Clarke  
Counties.

(8) For the building of a State wagon road in Klickitat, Skamania and Clarke Counties as follows: Beginning at Lyle, in Klickitat County, Washington, and running thence westerly by the most practicable course along the north bank of the Columbia river and above high water mark, at Washougal, in Clarke County, Washington, the sum of \$15,000.

Jefferson,  
Clallam and  
Chehalis  
Counties.

(9) For building a wagon road in Jefferson, Clallam and Chehalis Counties as follows, to-wit: Beginning at the City of Montesano, in Chehalis County, Washington, running westerly to Aberdeen, thence continuing to Hoquiam; thence northerly over the county road to Humptulips; thence northerly to Quinalt postoffice; thence northerly to Bogatciel, in Jefferson County; thence northerly to the forks in Clallam County; thence northeasterly over the county road to Pysht; thence easterly to a connection with the county road leading westerly from Port Angeles, in Clallam County, Washington, on the best and most practicable route to Port Angeles, Washington, the sum of \$13,500.

Chelan and  
Okanogan  
Counties.

(10) For repairing and improving the State road from the lower bridge on Wenatchee river, in Chelan County, to the mouth of Johnson creek on the Okanogan river, Okanogan County, the sum of \$3,000.

Examination  
and allowance  
of bills by  
County  
Commis'srs.

SEC. 8. The respective Boards of County Commissioners shall examine and allow or disallow all bills and shall certify all claims to the Highway Commissioner who shall examine and approve or disapprove same, and certify all claims approved to the State Auditor, and the County Auditor who



upon receipt of same are hereby authorized to draw their several warrants on the State Auditor [Treasurer] for two-thirds the amount of, and the County Auditor [Treasurer] for one-third of each claim so approved by said Highway Commissioner, and the State and County Treasurers upon presentation are hereby respectively authorized to pay said warrants: *Provided*, That no indebtedness shall be incurred in the building or repair of any of said above described roads. Proviso,  
as to indebt-  
edness.

Passed by the House March 11, 1903.

Passed by the Senate March 12, 1903.

NOTE BY THE SECRETARY OF STATE: Vetoed by the Governor and filed in the office of the Secretary of State, March 21, 1903. Passed over  
veto of 1903.  
Referred to Ninth Legislature. SAM H. NICHOLS,  
Secretary of State.

Passed the House, over the Governor's veto, January 24, 1905.

NOTE BY SPEAKER OF THE HOUSE OF REPRESENTATIVES: Passed the House, over the Governor's veto, January 24, 1905.

JOSEPH G. MEGLER,  
Speaker of the House of Representatives.

NOTE BY THE PRESIDENT OF THE SENATE: Passed the Senate, over the Governor's veto, January 26, 1905.

CHARLES E. COON,  
President of the Senate.

## CHAPTER 8.

(H. B. No. 122—Session of 1903)

### FOR THE EXTERMINATION OF COYOTES AND WOLVES.

AN ACT to provide for the extermination of coyotes and wolves in the State of Washington, and for the payment of bounties for such extermination, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any person who shall kill and destroy any coyote or wolf in the State of Washington shall be entitled to a bounty therefor in the sum of one (\$1.00) dollar for each of said animals killed. Amount of  
bounty.

County Audi-  
tor to take  
proof.

SEC. 2. Upon the production to the County Auditor of any County by any person of the scalp or scalps of any coyote or wolf killed in such County, each of which scalps shall show two ears, eye-holes and skin to tip of nose, the County Auditor shall take proof by affidavit, that each of such coyotes or wolves were killed in such County, and thereupon it shall be the duty of such County Auditor to issue and deliver to such person his warrant on the current expense fund of such County for the sum of one (\$1.00) dollar for each of such scalps, and shall take and preserve a voucher therefor showing the number of scalps so produced, the amount paid, and the date each of said animals were killed, which voucher shall be signed by the person to whom said bounty is paid.

Claim of  
person killing.

SEC. 3. Any person claiming any such premium shall produce such scalp or scalps to the County Auditor of the County in which such wolf or coyote shall have been killed, within three months after such killing, and shall take or subscribe the following oath before such Auditor. "I do solemnly swear that the scalp or scalps here produced by me this.....day of.....are of a wolf or coyote (as the case may be, giving the number) killed in the County of....., State of Washington, and that said animal (or animals) was (or were) killed not prior to....."

To which the Auditor shall append the usual jurat, subscribed to by himself or deputy.

Destruction of  
scalps.

SEC. 4. It shall be the duty of the County Auditor forthwith to destroy such scalps in the presence of a reputable witness.

Amount of  
appropriation.

SEC. 5. The amount paid by any County for scalps under this act, shall be credited to it by the State Auditor, upon receipt by the State Auditor of a sworn state[ment] from the County Auditor as to the amount of warrants issued under the provisions of this act in said County, which statement shall be rendered to the State Auditor by each County Auditor quarterly and the State Auditor shall make a charge against the general fund of the State for any such credits. *Provided*, That the credits herein provided for, shall not exceed fifty thousand (\$50,000) dollars.

SEC. 6. Any person or persons offering, for the purpose of obtaining said bounty, the scalp of any coyote or wolf that have been killed prior to the passage of this act, or that were killed outside of the boundaries of the State of Wash-

ington, shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than ten dollars, and of not more than fifty dollars, for first conviction and for any subsequent conviction for same offense shall be fined not less than one hundred dollars nor more than five hundred dollars for each such offense, together with all costs attending such suit, one-half of such fines to be paid to the informer and the other half into the general school fund of the County wherein such conviction was obtained.

SEC. 7. All acts and parts of acts in conflict herewith are repealed. <sup>Penalty for violation.</sup> <sup>Repeal.</sup>

Passed by the House February 19, 1903.

Passed by the Senate March 11, 1903.

NOTE BY THE SECRETARY OF STATE: The above act was vetoed by the Governor on March 21, 1903, and filed in this office. Same was referred to the Legislature on January 9th, 1905, at its Ninth Session. <sup>Passed over veto of 1903.</sup>

SAM H. NICHOLS,

Secretary of State.

NOTE BY SPEAKER OF THE HOUSE OF REPRESENTATIVES: Passed by the House, over the Governor's veto, on March 24, 1905.

JOSEPH G. MEGLER,

Speaker of the House of Representatives.

NOTE BY PRESIDENT OF THE SENATE: Passed by the Senate, over the Governor's veto, on January 26, 1905.

CHARLES E. COON,

President of the Senate.

## CHAPTER 9.

(S. B. No. 12)

## PROVIDING FOR AN ADDITIONAL SUPERIOR JUDGE FOR KING COUNTY.

AN ACT providing for six judges of the Superior Court of the State of Washington, in and for King County, and fixing the term of office of the additional judge appointed, and providing for the election of a judge at the general election in November, 1906, and providing for the election of six judges at the general election in November, 1908, and every four years thereafter, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

**Six judges.** SECTION 1. That hereafter there shall be six Judges of the Superior Court of the State of Washington in and for King County.

**Governor to appoint.** SEC. 2. The Governor shall, upon the taking effect of this act, appoint one additional Judge for said Superior Court who shall hold his office from the time of his appointment until his successor is elected and qualified, which said successor shall be elected at the general election in November, 1906.

**Election of 1908.** SEC. 3. That at the general election in November, 1908, there shall be elected six Judges of the Superior Court of the State of Washington in and for King County, whose term of office shall be four years from the second Monday in January, 1909, and every four years thereafter, there shall be elected, at the succeeding general elections, six Judges of said Superior Court.

**Emergency.** SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the Senate January 19, 1905.

Passed the House January 31, 1905.

Approved by the Governor February 3, 1905.

## CHAPTER 10.

(H. B. No. 67)

**AMENDING BALLINGER'S CODE RELATIVE TO COSTS IN JUSTICE COURTS.**

**AN ACT** amending Section 6561 of Ballinger's Annotated Codes and Statutes of Washington, same being Section 2904 of Pierce's Washington Code, relating to security for costs in Justice Courts.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 6561 of Ballinger's Annotated Codes and Statutes of Washington, same being Section 2904 of Pierce's Washington Code, be and the same is, hereby amended to read as follows: Section 6561. Whenever the plaintiff is a non-resident of the County, the Justice may require of him security for the costs in a sum not exceeding fifty dollars at the time of the commencement of the action. *Provided*, however, That after an action has been commenced by a non-resident plaintiff and no security given for costs, the defendant may require such security by motion; when allowed all proceedings shall be stayed until such security has been given.

Passed the House January 25, 1905.

Passed the Senate February 1, 1905.

Approved by the Governor February 3, 1905.

## CHAPTER 11.

(S. B. No. 71)

**RELATING TO ORGANIZATION AND MANAGEMENT OF PRIVATE CORPORATIONS.**

**AN ACT** to amend Section 4251 of Ballinger's Annotated Codes and Statutes of Washington (Pierce's Washington Code, Section 7054) relating to the organization and management of private corporations, and declaring an emergency. 4251 Bal-  
linger.  
7054 Pierce.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 4251 of Ballinger's Annotated Codes and Statutes of Washington (Pierce's Washington Code Section 7054) relating to the organization and man-

agement of private corporations, be amended to read as follows :

Amendment.

Articles,  
where filed  
and what to  
contain.

Amend-  
ments—  
How made.

Section 4251. Any two or more persons, who may desire to form a company for one or more of the purposes specified in the preceding section, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the Secretary of State, and another in the office of the County Auditor of the County in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, provided, that this limit of existence shall not apply to any life, accident and health insurance company, the number of shares of which the capital stock shall consist, the number of trustees and their names, who shall manage the concerns of the company for such length of time (not less than two nor more than six months) as may be designated in such certificate, and the name of the city, town, or locality and county in which the principal place of business of the company is to be located. Amendments may be made to the articles of incorporation by a majority vote of its trustees and the vote or written assent of two-thirds of the capital stock of such corporation. If the written assent of two-thirds of the capital stock has not been obtained then the vote of said stock may be taken at any regular meeting of the stockholders or at any special meeting of the stockholders called for that purpose in the manner provided in the by-laws of such corporation for special meetings of the stockholders. The president and secretary of said corporation shall certify said amendments in triplicate under the seal of said corporation to be correct and file and keep the same as in the case of original articles and from the time of filing said amendments such corporation shall have the same powers and it and the stockholders thereof shall be subject to the same liabilities as if such amendments had been embraced in the original articles of incorporation. Nothing contained in this section shall be construed to cure or amend any defect existing in any original articles of incorporation in that such articles did not set forth the matters required to make the

same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such corporation shall not be extended by amendments beyond the time fixed in the original articles of incorporation. <sup>Limit of corporate existence.</sup>

SEC. 2. An emergency exists and this act shall take <sup>Emergency.</sup> effect immediately.

Passed by the Senate February 1, 1905.

Passed by the House February 7, 1905.

Approved by the Governor February 14, 1905.

## CHAPTER 12.

(H. B. No. 93)

### FOR THE RELIEF OF SUNDRY PERSONS FOR CLERICAL SERVICES.

AN ACT appropriating funds for the relief of Dora W. Cryderman, Rose Morgan, Emma Tuttle, Mrs. G. H. Funk, Mrs. H. G. Blackmore, C. Will Shafer and Etta Arland.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated three hundred and forty dollars and fifty cents for the payment of the following named persons for the marking of manuscripts of applicants for teacher's certificates, at the November examination, 1904, the following sums, viz: Dora W. Cryderman, \$54.50; Rose Morgan, \$67.25; Emma Tuttle, \$65.75; Mrs. G. H. Funk, \$66.25; Mrs. H. G. Blackmore, \$24.50; C. Will Shafer, \$55.00; Etta Arland, \$7.25.

Passed the House January 31, 1905.

Passed the Senate February 7, 1905.

Approved by the Governor February 14, 1905.

## CHAPTER 13.

(H. B. No. 81)

**EMPOWERING COUNTY COMMISSIONERS TO EXHIBIT  
COUNTY PRODUCTS AT LEWIS AND CLARK FAIR.**

**AN ACT** empowering Boards of County Commissioners to make exhibits of the products of their respective counties at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, and to appropriate money from the County current expense fund to meet the expenses of such exhibits, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Boards of County Commissioners of the several counties in this State are hereby empowered to make exhibits of the products of their respective counties at the Lewis and Clark Centennial and American Exposition and Oriental Fair, 1905, at Portland, Oregon, and to appropriate money from the county current expense fund to meet the necessary expenses incurred in making such exhibits: *Provided*, That the total amount thus appropriated shall in no event exceed an amount equal to one-half mill on the dollar of the taxable property of the county as shown by the assessment roll for 1904.

**Emergency.**

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 6, 1905.

Passed the Senate February 8, 1905.

Approved by the Governor February 14, 1905.

## CHAPTER 14.

(H. B. No. 47)

**FOR THE RELIEF OF JOSEPH CANUTT.**

**AN ACT** for the relief of Joseph Canutt.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the sum of \$308.50 be and the same is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the purpose of reim-



bursing Joseph Canutt for services rendered the State of Washington in the matter of the extradition of one Fred Hart, charged with an offense against the laws of the State of Washington.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant for said sum upon the State Treasurer in favor of said Joseph Canutt, and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State treasury not otherwise appropriated.

Passed the House January 31, 1905.

Passed the Senate February 7, 1905.

Approved by the Governor February 14, 1905.

## CHAPTER 15.

(H. B. No. 26)

### FOR THE RELIEF OF GARFIELD COUNTY.

AN ACT for the relief of Garfield County.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the State Auditor be, and he is hereby authorized and directed to audit and allow the following cost bills aggregating \$449.00, the same being the costs actually taxed and expended by Garfield County in the following convictions for felony in the Superior Court of said County, to-wit:

Case No. 724.....	\$113.00
Case No. 706.....	192.00
Case No. 681.....	44.60
Case No. 693.....	99.20

and that the State Auditor be and he is hereby authorized and directed to credit to said Garfield County said sum of \$449.00 as so much state tax paid.

Passed the House January 31, 1905.

Passed the Senate February 7, 1905.

Approved by the Governor February 14, 1905.

NOTE BY SECRETARY OF STATE: The items in the above four cases foot up only \$448.80.

## CHAPTER 16.

(H. B. No. 48)

## RELATIVE TO COSTS IN CIVIL ACTIONS.

5173 Ballinger.  
1110 Pierce.

AN ACT to amend Section 5173 of Ballinger's Annotated Codes and Statutes of Washington, the same being Section 1110 of Pierce's Washington Code, relating to costs in civil actions.

*Be it enacted by the Legislature of the State of Washington:*

Amendment.

SECTION 1. That Section 5173 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 1110 of Pierce's Washington Code, relating to costs in civil actions, be and the same is hereby amended so as to read as follows: Section 5173: The prevailing party, in addition to allowance for costs, as provided in the last section, shall also be allowed for all necessary disbursements, including the fees of officers allowed by law, the fees of witnesses, the necessary expenses of taking depositions, by commission or otherwise, and the compensation of referees. The disbursements shall be stated in detail and verified by affidavit, and shall be served on the opposite party or his attorney, and filed with the clerk of the court, within ten days after the judgment; *Provided*, The clerk of the court shall keep a record of all witnesses in attendance upon any civil action, for whom fees are to be claimed, with the number of days in attendance and their mileage, and no fees or mileage for any witness shall be taxed in the cost bill unless they shall have reported their attendance at the close of each day's session to the clerk in attendance at such trial.

Passed the House January 23, 1905.

Passed the Senate February 7, 1905.

Approved by the Governor February 14, 1905.

## CHAPTER 17.

(S. B. No. 88)

## PRESCRIBING THE REQUIREMENTS OF BONDS OF GUARDIANS.

AN ACT amending Section 6403, Ballinger's Annotated Codes and Statutes of Washington, relating to bonds of guardians and prescribing the requirements thereof. <sup>6403 Ballinger.</sup> <sup>2737 Pierce.</sup>

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 6403 of Ballinger's Annotated Codes and Statutes of Washington (Pierce's Code Sec. 2737) relating to bonds of guardians and the requirements thereof be and the same is hereby amended to read as follows: Section 6403: The court shall take of each guardian appointed under this act a bond, with approved security payable to the State of Washington, in the sum of not less than twice the value of the personal property and twice the estimated value of the annual rents, profits and issues of the real property belonging to the estate, conditioned as follows: The condition of this obligation is such that if the above-bound A.-B., who has been appointed guardian for C. D. shall faithfully discharge the office and trust of such guardian according to law, and shall render a fair and just account of his said guardianship to the Superior Court for the County of .....from time to time as he shall thereto be required by said court, and comply with all orders of said court, lawfully made relative to the goods, chattels and moneys of such minor, and render and pay to such minor all moneys, goods and chattels, title papers and effects which may come into the hands or possession of such guardian belonging to such minor, when such minor shall thereto be entitled, or to any subsequent guardian, should such court so direct, this obligation shall be void, or otherwise to remain in full force and virtue. Which bond shall be for the use of such minor, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one or more of the obligors, in the name and for the use and benefit of any person entitled by a breach thereof, until the whole penalty shall be recovered thereon.

**Additional  
bond.**

The Judge may require an additional bond whenever a sale of real estate belonging to a minor is ordered by him, but no such additional bond must be required when it satisfactorily appears to the court that the penalty of the bond given before receiving letters, or of any bond given in place thereof is equal to twice the value of the personal property remaining in or that may come into the possession of the guardian, including the annual rents, profits and issues of real estate and twice the probable amount to be realized on the sale of the property ordered to be sold.

Passed the Senate February 1, 1905.

Passed the House February 7, 1905.

Approved by the Governor February 14, 1905.

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## CHAPTER 18.

(H. B. No. 2)

### RELATIVE TO CONTROL OF DELINQUENT CHILDREN.

AN ACT to provide for the apprehension, trial, treatment and control of delinquent children under the age of seventeen years.

*Be it enacted by the Legislature of the State of Washington:*

**To whom  
act applies.**

SECTION 1. This act shall apply only to children under the age of seventeen years, not now or hereafter inmates of any State institution, or any Training School for boys, or Industrial School for Girls, or some institution incorporated under the laws of this State, for the care and correction of "delinquent children" shall include any child under the age of seventeen years, who violates any law of this State, or any City or Town ordinance; or who is incorrigible; or who knowingly associates or lives with thieves, vicious, immoral or disreputable persons; or who is growing up in idleness or crime; or habitually begs or receives alms; or who is found living in any house of ill fame; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is or shall be operated; or who patronizes or visits any

saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks onto any moving train, or enters any car or engine without any lawful authority; or who habitually uses vile, obscene, vulgar, profane or indécant language; or is guilty of immoral conduct in any public place, or about any school house; and any child under the age of eight years who is found peddling or selling any articles; or singing or playing any musical instrument upon the street, or giving any public entertainment. Any child doing any of the acts herein mentioned shall be deemed a Juvenile Delinquent Person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever, in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. The word "association" shall mean any incorporation which includes in its purpose the care and disposition of children consistent with the intent of this act.

Definition of "child."

SEC. 2. The Superior Courts in the several counties of this State shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury trial, or the Judge, of his own motion, may order a jury to try the case.

Jurisdiction of courts.

SEC. 3. In counties of the first and second class the Judges of the Superior Court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session, to be designated as the "Juvenile Court Session," shall be provided for the hearing of such cases, and the finding of the Court shall be entered in a book, or books, to be kept for that purpose, and known as the "Juvenile Record;" and the Court may, for convenience, be called the "Juvenile Court."

Juvenile Courts in certain counties.

SEC. 4. Any reputable person, being a resident in the

**Complaints.** county, having knowledge of a child in his county who appears to be a delinquent within the meaning of this act may file with the clerk of the court a complaint, in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief.

**Summons.** SEC. 5. Upon the filing of an information or the complaint the clerk of the court shall issue a summons requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent [n]or guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the Judge shall appoint some suitable person or association to act in behalf of the child.

**Failure to appear.** If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he shall be proceeded against as in contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that said summons will be ineffectual a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself.

**Return of summons.** On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having charge of the same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and neglected children.

**Probation officers.** SEC. 6. The court or judge designated, as provided in Section 3 of this act, shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child

is to be brought before the said court; it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take such charge of the child before and after trial as may be directed by the court.

SEC. 7. When any child under the age of seventeen years shall be found to be delinquent within the meaning of this act, the court may, at any time, make an order committing Order of committal. the child to some suitable institution, or to the care of some reputable citizen of good moral character, or to the care of some Training School or Industrial School as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent, neglected or delinquent children, provided such order may be temporary or permanent in the discretion of the court and may be revoked or modified as the circumstances of the case may thereafter require.

SEC. 8. In any case of a delinquent child, the court may Continuance of hearing. continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution, or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent children. In no case shall a child be committed Limit of commitment. beyond his or her minority. A child committed to such institution shall be subject to the control thereof, and the said institution shall have power to parole such child on such condition as it may prescribe, and the court shall, on the recommendation of said institution, have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody

of some association that will receive such child, embracing in its objects the care of neglected and dependent children.

Children under 14 not to be placed in jail, etc.

SEC. 9. No court or magistrate shall commit a child under fourteen years of age to a jail, common lock-up or police station; but, if such child is unable to give bail, it may be committed to the care of the sheriff, police officer or probation officer, who shall keep said child in some suitable place or house or school of detention provided by the city or county, outside of the enclosure of any jail or police station, or in the care of any association willing to receive it and having as one of its objects the care of neglected and dependent children. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

Separate confinement, apart from adults.

SEC. 10. When in any County where a court is held as provided in Section 3 of this act, a child under the age of seventeen years is arrested with or without warrant, such child may, instead of being taken before a Justice of the Peace or Police Magistrate, be taken directly before such court; or if the child is taken before a Justice of the Peace or Police Magistrate, it shall be the duty of such Justice of the Peace or Police Magistrate to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon complaint as hereinbefore provided. In any such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for such purpose.

Trials before Juvenile Court instead of police courts.

SEC. 11. In counties of the first and second class it shall be the duty of the proper authorities to provide and maintain, at public expense, a detention room, or house of detention, separated or removed from any jail, lock-up, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be incarcerated.

Detention room for juveniles apart from jail.

SEC. 12. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care,

Construction of act.



custody and discipline of a child shall approximate, as nearly as may be, that which should be provided by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

SEC. 13. That no fees shall be charged or collected by any officer for any proceeding under this act. No fees to be charged.

Passed the House January 31, 1905.

Passed the Senate February 8, 1905.

Approved by the Governor February 15, 1905.

## CHAPTER 19.

(H. B. No. 20)

### AMENDING CODE RELATIVE TO STATE REFORM SCHOOL.

AN ACT to amend Sections one (1), two (2) and seven (7) of an act entitled, "An act to provide for the committing of juvenile offenders to the State Reform School at Chehalis," approved March 7, 1891, the same being Sections 8524 and 8525 of Pierce's Washington Code, <sup>8524, 8525 and 8530</sup> *Pierce's Code.*

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section one (1) of an act entitled, "An act to provide for the committing of juvenile offenders to the State Reform School at Chehalis," being Section 8524 of Pierce's Washington Code, be and the same is hereby amended so as to read as follows: Section 1. When a boy of sane mind between the ages of eight and sixteen years, or a girl of sane mind between the ages of eight and eighteen (18) years shall, in any court of record in this State, be found guilty of any crime except murder or manslaughter, or who for want of proper paternal care is growing up in mendicancy or vagrancy, or is incorrigible, and complaint thereof is made and properly sustained, the court may if in its opinion the accused is a proper subject therefor, instead of entering judgment cause an order to be entered that said boy or girl be sent to the State Reform School, in pursuance of the provisions of this act, and a copy of said order under the seal of said court shall be sufficient Committment.

warrant for carrying said boy or girl to the said school and for his or her committment to the custody of the superintendent thereof.

Proceedings  
prior to com-  
mittment.

SEC. 2. That Section (2) of an act entitled, "An act to provide for the committing of juvenile offenders to the State Reform School at Chehalis," being Section 8525 of Pierce's Washington Code, be and the same is hereby amended so as to read as follows: Sec. 2. When a boy of sane mind between the ages of eight and sixteen years or a girl of sane mind between the ages of eight and eighteen years, shall be convicted before a justice of the peace or other inferior court of any crime, mendicancy, vagrancy or incorrigibility, it shall be the duty of said magistrate before whom he or she may be convicted to forthwith send such boy or girl, together with all the papers filed in his office upon the subject, under the control of some officer, to a judge of a court of record. He shall then issue an order to the parent or guardian of said boy or girl, or such person as may have him or her in charge, or with whom she or he has last resided, or any known to be near related to him or her, or if she or he be alone or friendless then to such person as said judge may appoint to act as guardian for the purposes of the cases, requiring him or her to appear at the time and place stated in said order to show cause why said boy or girl should not be committed to the said State Reform School for training and reformation. Sec. 3. That Section seven (7) of an act entitled, "An act to provide for the committing of juvenile offenders to the State Reform School at Chehalis," being Section 8530 of Pierce's Washington Code, be and the same is hereby amended so as to read as follows: Sec. 7. Each boy committed to the State Reform School shall remain there until he arrives at the age of eighteen years, and each girl committed to the State Reform School shall remain there until she arrives at the age of nineteen years, unless sooner paroled or legally discharged. The discharge of any boy having arrived at the age of eighteen years or of any girl having arrived at the age of nineteen years, shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed.

Term of de-  
tention.

Passed the House January 31, 1905.

Passed the Senate February 8, 1905.

Approved by the Governor February 15, 1905.

## CHAPTER 20.

(H. B. No. 88)

## RELATIVE TO APPEALS IN JUSTICE COURTS IN CIVIL ACTIONS.

AN ACT amending Section 6754 of Ballinger's Annotated Codes and Statutes of Washington, being Section 3034 of Pierce's Washington Code, relating to appeals from Justice Courts in civil action.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 6754 of Ballinger's Annotated Codes and Statutes of Washington, being Section 3034 of Pierce's Washington Code, is hereby amended to read as follows: Section 6754. Any person considering himself aggrieved by the judgment or decision of a Justice of the Peace in a civil action may, in person or by his agent, appeal therefrom to the Superior Court of the same county where the judgment was rendered or the decision made: *Provided*, there shall be no appeal allowed unless the amount in controversy exclusive of costs, shall exceed the sum of twenty dollars.

Passed the House January 31, 1905.

Passed the Senate February 13, 1905.

Approved by the Governor February 15, 1905.

## CHAPTER 21.

(H. B. No. 117)

## FIXING SALARIES OF COUNTY COMMISSIONERS.

AN ACT fixing the salaries of County Commissioners in counties of the first class, and amending Section one of an act entitled "An act to amend Sections 3 to 31, both inclusive, of an act entitled 'An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries;'" said section hereby amended being Section one of Chapter CLXI of the Session Laws of 1895, amendatory of Chapter 10 of the Laws of 1890, and approved March 20, 1895, being the same as Section 4007 of Pierce's Washington Code.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 1 of an act entitled, "An act to amend Sections 3 to 31, both inclusive, of an act entitled, 'An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries,'" said section hereby amended being Section 1 of Chapter CLXI of the Session Laws of 1895 amendatory of Chapter 10 of the Laws of 1890, and approved March 20, 1895, (being the same as Section 4007 of Pierce's Washington Code,) be and the same is hereby amended that on and after the passage of this act salaries of county officers of counties of the first class, as determined by the last preceding Federal census, shall be as follows: County Auditor, \$2400; County Clerk, \$2200; County Treasurer, \$2500; County Sheriff, \$2400; County Attorney, \$3000; County Superintendent of Common Schools, \$2000; County Commissioners, \$2000 per annum and necessary traveling expenses; County Assessor, \$2200; County Surveyor, \$5.00 per day; County Coroner, \$1000 per annum.

Passed the House February 2, 1905.

Passed the Senate February 9, 1905.

Approved by the Governor February 15, 1905.

## CHAPTER 22

(S. B. No. 24)

**PROVIDING FOR A SUPERIOR JUDGE FOR STEVENS COUNTY, AND FOR THE ELECTION OF THREE SUPERIOR JUDGES FOR SPOKANE COUNTY.**

**AN ACT** providing for the appointment and election of a judge of the Superior Court of the State of Washington, in and for the County of Stevens, and providing for the election of three judges of the said Superior Court in and for the County of Spokane, and specifying the County of said State over which the present judge of said Superior Court in and for the Counties of Spokane and Stevens, jointly, shall preside; and fixing the term of office of the judge appointed; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. From and after the passage and approval of this act there shall be one judge of the Superior Court of the State of Washington in and for the County of Stevens, and three judges of said Superior Court in and for the County of Spokane. Fixing number.

SEC. 2. The Governor of the State of Washington shall, upon the passage of this act, appoint said judge of said Superior Court in and for the County of Stevens, who shall hold his office as judge of said Superior Court from the time of appointment until his successor is elected and qualified, which said election shall take place at the next general election held in the State of Washington. Appointment by Governor.

SEC. 3. At the general election to be held in the State of Washington in the year 1906, there shall be elected in the said County of Stevens one Superior Judge, who shall succeed the Superior Judge mentioned in Section 2 of this act, and whose term of office shall commence upon his election and qualification, and who shall hold office until the second Monday in January, 1909, and until his successor is elected and qualified. Election in 1906.

SEC. 4. From and after the appointment and qualification of a person to serve as judge of said Superior Court in and for the said County of Stevens, under the provisions of this act, the Superior Judge of said court elected at the general election of the year 1904, in and for the Counties

of Spokane and Stevens, jointly, shall, during the remainder of his term of office, and until his successor is elected and qualified, remain the judge of said court in and for the County of Spokane.

Elections  
subsequent  
to 1906.

SEC. 5. At the general election to be held in the State of Washington, in the year 1908, and every four years thereafter, there shall be elected in the said County of Spokane three Superior Judges, in the County of Stevens one Superior Judge.

Emergency.

SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the Senate February 7, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 16, 1905.

## CHAPTER 23.

(H. B. No. 80)

### RELATIVE TO DETENTION, REGISTRATION AND SALE OF ESTRAYS.

AN ACT in relation to estrays, providing for their detention, registration and sale, and prescribing penalties for its violation.

*Be it enacted by the Legislature of the State of Washington:*

Records of  
County Audi-  
tors—how  
arranged

SECTION 1. It shall be the duty of the County Auditors of the several counties of the State to keep a book of suitable dimensions to be called the "Record of Estrays." The book shall be divided into two parts; the first part shall be designated "Estrays Lost," and the second part "Estrays Found." The part designated "Estrays Lost," shall be ruled and spaced substantially as follows: The first column to contain the name of the owner; the second, his address; the third, the date lost or strayed; fourth, the kind of animal and age; fifth, the color; sixth, brands; seventh, ear marks; eighth, other marks of identification; ninth, customary range; tenth, page registered in "Estrays Found." The part designated "Estrays Found" shall be ruled and spaced substantially as follows: The first column to contain the

Estrays lost

name of the finder; the second, his address; third, the date found; the fourth, fifth, sixth, seventh, and eighth, columns to be the same as in "Estrays Lost;" the ninth column to designate the place where the owner may claim and obtain the animal; and the tenth the page registered in "Estrays Lost;" eleventh, the date sold; twelfth, to whom sold; thirteenth, price obtained; fourteenth, publication fee; fifteenth, other costs; sixteenth, balance. If the animal be breechy or vicious such fact shall also be noted in the third column. The part designated "Estray Lost" shall be so arranged that the names of the owners shall be registered in alphabetical order, and thumb indexed so that each letter may be readily found. The part designated "Estray Found," shall be so arranged, that the names of the finders will be registered in alphabetical order, and indexed as specified for the part designated "Estrays Lost." In addition to the foregoing each portion of said two parts of said record of Estrays, shall contain an alphabetical index reference to the following: the age and kind of animal, the color, brands, ear marks; said index to refer to the page and the number of the line in which the particular animal is referred to. It shall be the duty of the Auditor of each county to keep said index up to date, and as complete as practicable.

Breechy  
animals.

Estrays found

SEC. 2. Any person losing an animal shall register the same with the County Auditor of his county under "Estrays Lost," for which the Auditor shall collect a fee of fifty cents, for each animal registered, and deliver to the owner a receipt with his seal attached which receipt shall describe the animal registered.

Registration,  
by person  
losing animal.

SEC. 3. Any person about whose premises any animal may be in the habit of running at large at any time between the first day of October and the first day of March, may take up such animal and shall within ten days thereafter cause the same to be registered with the County Auditor of his county under "Estrays Found," giving the information required by the record as fully as practicable, and the Auditor shall charge against such estrays the said fee of fifty cents for each animal so registered. Breechy or vicious animals may be taken up and registered as herein provided in any month.

Registration,  
by finder.

SEC. 4. Immediately upon registering any animal as found, the Auditor shall examine the record of "Estrays Lost" and if the animal found appears thereon, he shall

Auditor to  
notify owner.

immediately notify the owner by mailing him a notice addressed to the post office designated opposite his name on the record, which notice shall contain the information appearing in the fourth, fifth, sixth, seventh and eighth columns of the record, and shall require the owner to appear within twenty days from the date of such notice and pay all charges and take the said animal into his possession.

The several County Auditors shall keep on hand blank forms of such notice which shall be substantially as follows:

Form of  
notice.

.....To.....  
.....Washington.  
You are hereby notified that your (here state the kind of animal), color....., branded....., earmarked....., otherwise marked....., has been taken up by....., and is now at....., and unless you pay all charges against the said estray and take possession thereof within twenty days from this date, the same will be sold according to law.  
Dated this.....day of....., 190...  
P. O. Address.....  
.....Auditor.

Fee.

SEC. 5. The owner of any estray upon learning that the same has been found, shall pay to the Auditor the fee for registering the estray as found, and take his receipt therefor with his official seal attached, which receipt shall describe the animal registered, and upon exhibiting such receipt and making out his title, and paying the finder the sum of one dollar for taking up the animal and reporting the same to the Auditor, and the further sum of ten cents per day for keeping the estray, from the time of registering the same as found, shall be allowed to take possession of the animal. The claimant's possession of the Auditor's receipt showing payment of the fee for registering the same as lost, and of the Auditor's receipt, showing payment of the fee for registering the same as found, shall be proof of ownership sufficient to justify the finder in surrendering possession of the estray. Any taker-up of an estray who shall work such animal, or otherwise use the same so as to derive benefit therefrom shall forfeit all pay for the keep thereof.

Animals  
found not to  
be worked.

Disposition of  
fees.

SEC. 6. All fees collected by the Auditor hereunder, and all sums derived from estray sales shall be turned into the current expense fund of the county.

SEC. 7. If the person entitled to the possession of an estray shall not appear and make out his title thereto as herein provided, and pay the charges against the same as



herein specified within twenty days from the time it is registered as found, as provided in this act, it shall be the duty of the Auditor to immediately publish notice once a week for two consecutive weeks, in the paper doing the county printing, which notice shall give the name of the finder of the estray, the date when taken up, place where kept, description of the animal as shown by the record, and shall state that if the owner does not appear and make out his title and pay all charges against said estray on or before the day and hour fixed for such sale, which shall be stated in the notice, and which shall not be less than fifteen nor more than twenty days from the date of the first publication thereof, such estray will be sold at the place where kept to the highest bidder for cash. If the owner or his legal representative appear he shall pay all charges incurred up to the time of his appearance including publication fee, and sheriff's or constable's fees if any have been incurred.

Notice of sale  
of unclaimed  
estrays.

SEC. 8. Such notice for publication may be substantially as follows:

#### ESTRAY SALE.

Notice is hereby given that (name of finder) on the..... day of....., 19....., took up and now keeps at .....Washington, (kind and age of animal), branded....., earmarked....., otherwise marked ..... and said estray will be sold to the highest bidder Form. for cash, at the place kept, as above specified, on..... the..... day of....., 19....., at the hour of .....o'clock in the.....noon of said day, unless the owner thereof or his legal representatives shall appear prior to that time and make out his title, and pay all charges against said estray.

Date of the first publication of this notice.....19...

.....  
Auditor of.....County.

SEC. 9. Any number of estrays registered as found at the same time by the same finder may be advertised for sale in the same notice, by describing each animal. If the finder of any estray shall so request the Auditor shall advertise the sale to take place at the county seat, and in such case the notice shall so specify.

SEC. 10. At the time stated in such notice, the Sheriff or any constable, or any elector, other than the finder, deputized by the Sheriff for such purpose shall sell the same at public auction for cash to the highest bidder, and the

Sale of, to  
highest  
bidder.

finder may bid therefor at such sale, and after deducting all charges of the finder as herein provided, and the fees of the Sheriff or constable for selling, which shall be the same as a sale on execution the remainder of the proceeds shall be turned into the Auditor within ten days, by the party conducting the sale. *Provided*, that if any person other than the Sheriff or a constable conducts such sale no fees for selling shall be allowable.

SEC. 11. If the owner of the property sold or his legal representative shall within six months after the money shall have been deposited in the county treasury, furnish satisfactory evidence to the Auditor of the ownership of the said property, he or they shall be entitled to receive the amount so deposited in the county treasury, less the cost of the publication of the notice which shall be estimated and deducted by the Auditor.

Publisher's  
fees.

SEC. 12. The publisher's fees for publishing the notices specified herein, shall be paid for in the manner and at the rate provided for the publication of the proceedings of the County Commissioners.

Conditional  
registration.

SEC. 13. Any person knowing of any animal running at large in any month, which he believes to be an estray, may take the same into his possession and register the same as found, or may register the same without taking the animal into his possession by specifying the range where the owner may be likely to find the same, but no charges shall be allowed any finder for taking or keeping such animal and no such animal shall be advertised for sale between the first day of March and the first day of October, except breechy or vicious animals, or estrays taken up prior to said first day of March, as herein provided. The several County Auditors shall make no charge for registering estrays as found between the first day of March and the first day of October.

Sale, where  
to be held.

SEC. 14. Any owner or finder of any estray may register the same as lost or found in any one or more counties of the State, but the sale must be in the county where the estray is taken up, and the finder shall pay the registration fee outside the county where the estray is taken up.

Non-compl-  
ance and  
penalty.

SEC. 15. If any person shall take up, keep or use any estray without complying with the provisions of this act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not to exceed one hundred dollars.

SEC. 16. All acts and parts of acts in conflict herewith <sup>Repeal.</sup> are hereby repealed.

Passed the House January 31, 1905.

Passed the Senate February 13, 1905.

Approved by the Governor February 16, 1905.

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## CHAPTER 24.

(S. B. No. 84)

### PROVIDING FOR THE SUSPENSION AND WITHHOLDING OF SENTENCE OF PERSONS UNDER AGE OF 21 YEARS.

AN ACT providing for the suspension and withholding of sentence of persons under the age of twenty-one years, who have been convicted of a misdemeanor or felony in the Superior Courts of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That if any person under the age of twenty-one years shall be convicted in the Superior Court of the State of Washington, upon trial before the court or courts and jury on a plea of not guilty, or before the court upon a plea of guilty, of any misdemeanor or felony, the court, in its discretion, may withhold and suspend sentence and order the accused to be released during good behavior; and the court shall have power to order his or her re-arrest and pronounce sentence whenever the conduct of the accused shall, in the opinion of the court, make such action proper.

SEC. 2. That the court, when sentence is withheld and suspended may order the person convicted to enter into recognizance to be approved by the court for his or her presence before the court at all times whenever the court shall require and the person so convicted shall report to the court from time to time as the court shall direct, and the court shall after five years, if the party, during said time, has been lawabiding, of good habits, sober and industrious, vacate and set aside the conviction and dismiss the case, which fact of good behavior shall be shown to the court by petition and satisfactory proof.

Passed the Senate February 1, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 17, 1905.

## CHAPTER 25.

(S. B. No. 86)

**EMPLOYMENT OF SPECIAL ATTORNEYS BY COUNTY COMMISSIONERS.**

**AN ACT** relating to the employment of special attorneys and counsel by County Commissioners.

*Be it enacted by the Legislature of the State of Washington.*

SECTION 1. It shall be unlawful for any Board of County Commissioners in any county in this State to employ, contract with or pay any special attorney or counsel to perform any duty which the Attorney General or any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of said special attorney or counsel shall have been first reduced to writing and approved by the Superior Judge of said county or a majority of the judges thereof, in writing indorsed thereon: *Provided*, this act shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

Passed the Senate February 1, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 17, 1905.

## CHAPTER 26.

(S. B. No. 81)

**INTRODUCTION OF TESTIMONY GIVEN IN FORMER TRIALS.**

**AN ACT** providing for the introduction of testimony given in a former trial, action or proceeding.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The testimony of any witness, deceased, or out of the State, or for any other sufficient cause unable to appear and testify, given in a former action or proceeding, or in a former trial of the same cause or proceeding when

reported by a stenographer, or reduced to writing, and certified by the trial judge, upon three days notice to the opposite party or parties, together with service of a copy of the testimony proposed to be used may be given in evidence in the trial of any civil action or proceeding, where it is between the same parties and relates to the same matter.

Passed the Senate January 25, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 23, 1905.

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## CHAPTER 27.

(S. B. No. 36)

### AUTHORIZING CORPORATIONS TO SUBSCRIBE FOR AND DEAL IN SHARES OF STOCK OF OTHER CORPORATIONS.

AN ACT authorizing and empowering any corporation to subscribe for, and to acquire by purchase or otherwise, and hold, own, sell, assign and transfer shares of the capital stock of another corporation, and to participate in and vote said stock at any and all stockholders' meetings, and validating existing holdings of stock by corporation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That any corporation heretofore or hereafter organized under the laws of this State or of any other State or Territory of the United States and doing business in this State shall have power and authority to subscribe for, acquire by purchase or otherwise and to own, hold, sell, assign and transfer shares of the capital stock of any other corporation and by its duly authorized officer or proxy to vote such shares at any and all stockholder's meetings of the corporation whose shares are so held, and to have and exercise all the rights, powers and privileges of any other stockholder, except that such corporate owner cannot be a member of the board of trustees. All existing holdings by any such corporation in the shares of the capital stock of any other corporation are hereby validated.

Passed the Senate January 31, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 23, 1905.

## CHAPTER 28.

(H. B. No. 172)

## DIRECTING SALE OF CERTAIN LANDS ALONG COLUMBIA RIVER.

AN ACT directing the sale of the following described land, to-wit: "Beginning on the north bank of the Columbia river at a point ten rods east of the section line between sections seventeen and eighteen, township nine north, range nine west of W. M.; thence north six rods; thence west two rods; thence north fourteen rods; thence west eighteen rods; thence south twenty rods to the bank of the Columbia river; thence east along the meanders of said river to the place of beginning, being two and fifty one-hundredths acres in sections seventeen and eighteen, township nine north, range nine west of W. M.," and making an appropriation therefor, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Commissioner of Public Lands in the State of Washington be and he is hereby directed without application to appraise and sell at public sale, in the manner provided by law, the following described property, to-wit: Beginning on the north bank of the Columbia river at a point ten rods east of the section line between sections seventeen and eighteen, township nine north, range nine west of W. M.; thence north six rods; thence west two rods; thence north fourteen rods; thence west eighteen rods; thence south twenty rods to the bank of the Columbia river; thence east along the meanders of said river to the place of beginning, being two and fifty one-hundredths acres in sections seventeen and eighteen township nine north, range nine west of W. M.

Description.

Agent, to bid on behalf of State.

SEC. 2. The said Commissioner of Public Lands be and he hereby is authorized on behalf of the State to appoint an agent for the purpose of bidding on behalf of the State for said property at the time it is offered for sale.

Execution of deed by Governor and Secretary of State.

SEC. 3. The said Commissioner of Public Lands in case the agent appointed purchases said property at said sale shall certify the same to the Governor who with the Secretary of the State of Washington shall make, execute and deliver to

the Government of the United States Public Health and Marine Hospital service a deed to said land.

SEC. 4. That there is hereby appropriated out of the <sup>Appropriation.</sup> general fund of the State of Washington the sum of one hundred dollars (\$100) or as much thereof as may be necessary to pay for said land in case the same is purchased.

SEC. 5. An emergency exists and this act shall take <sup>Emergency.</sup> effect immediately.

Passed the House February 9, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 23, 1905.

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## CHAPTER 29.

(H. B. No. 19)

### ASSESSMENT OF LANDS HELD BY COUNTIES WITHIN CORPORATE LIMITS, FOR LOCAL IMPROVEMENTS.

AN ACT authorizing the assessment of lands held or owned by any County in the State, within the limits of incorporated cities or towns in such County, for local improvements, and providing for the payment of such assessments.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That all lands held or owned by any County in the State of Washington, in fee simple, in trust or otherwise, within the limits of any incorporated city or town in such County, except as herein otherwise provided, may be assessed and charged for the cost of all local improvements specially benefitting such land and property, which may be ordered by the proper authorities of such city or town.

SEC. 2. In all local improvement assessment districts in any incorporated city or town in this State, property in such district held or owned by the County in which such city or town is situated shall be assessed and charged for its proportion of the cost of such local improvement in the same manner as other property in such district.

SEC. 3. Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any incorporated city or town in

Certified  
statement, to  
Commission-  
ers.

this State, the city or town treasurer shall certify and forward to the Board of County Commissioners, of the County in which such city or town is situated, a statement of all the lots or parcels of land held or owned by such County and charged on such assessment roll for the cost of such local improvement, separately describing each lot or parcel of the County's land with the amount of the assessment charged against it, and the Board of County Commissioners shall cause the amount of such local assessments to be paid to the city or town as other claims and charges against such County are paid.

Act applicable  
to all municip-  
al corpora-  
tions.

SEC. 4. The provisions of this act shall apply to all municipal corporations, any charter or ordinance provisions to the contrary notwithstanding: *Provided*, That this act shall not apply to lots which the County may have obtained title to through the foreclosure of the general tax lien.

Passed the House February 6, 1905.

Passed the Senate February 16, 1905.

Approved by the Governor February 23, 1905.

## CHAPTER 30.

(H. B. No. 214)

### APPROPRIATION FOR DIVISION OF PUBLIC DOCUMENTS OF STATE LIBRARY.

AN ACT making an appropriation for the use of the division of public documents of the State Library.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby appropriated out of the State library fund not otherwise appropriated the sum of six hundred and fifty dollars (\$650.) or so much thereof as may be necessary, for the use of the division of public documents to cover the expenses of said department for the remainder of the fiscal period ending March 31, 1905.

Passed the House February 9, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 24, 1905.



## CHAPTER 31.

(H. B. No. 16)

AN ACT RELATING TO BANKS AND BANKING AND  
FOREIGN BANKERS.

AN ACT relating to banking, and regulating foreign banks and foreign bankers doing business within this State, and providing a penalty.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any foreign bank or foreign banker may keep an office for the purpose of loaning money and buying and selling exchange, coin or bullion, at any place or places within this State, but shall not in any manner, directly or indirectly, receive deposits; *Provided*, however, that nothing in this section contained shall prevent any existing branch of any foreign bank which was engaged in doing a banking business at any place or places within this State on the first day of January, 1905, or its successors or assigns becoming such prior to the date upon which this act takes effect, from receiving deposits and transacting a general banking business.

Receipt of  
deposits  
prohibited.

SEC. 2. Every foreign bank or foreign banker heretofore having established, or hereafter establishing an office in this State, shall have, and at all times maintain, at every such office, a capital not less in amount than that required by the national bank act for the organization of a national bank at the time when, and place where, such office was or shall be opened, and the payment of taxes on such amount shall be *prima facie* evidence of the payment and existence of such capital; and no such foreign bank or foreign banker shall set forth on the stationery of such bank or banker or in any manner advertise a greater capital, surplus and undivided profits than are actually maintained at any such bank within this State.

Amount of  
capital.

SEC. 3. Every foreign bank or foreign banker, and every officer, agent or employee thereof, violating any of the provisions of this act, shall for each violation forfeit and pay to the State of Washington the sum of one thousand dollars. Said forfeiture may be recovered in an action by the Attorney General in the name of the State of Washington in

Violation and  
penalty.

the Superior Court of the County where such bank or branch bank shall be located.

Construction  
of term  
"bank."

SEC. 4. In construing this act the terms "foreign bank" and "foreign banker" shall be deemed to include: 1. Every corporation not organized under the laws of the Territory or State of Washington doing a banking business, except a national bank. 2. Every unincorporated company, partnership or association of two or more individuals organized under or pursuant to the laws of another State or Country doing a banking business authorized by this act. 3. Every other unincorporated company, partnership or association of two or more individuals doing a banking business authorized by this act, if the members thereof, owning a majority interest therein, or entitled to more than one-half the profits thereof, or who would, if it were dissolved, be entitled to more than one-half the net assets thereof, are not residents of this State. 4. Every non-resident of this State doing a banking business authorized by this act in his own name and right only.

Repeal.

SEC. 5. All acts or parts of acts not consistent herewith are hereby repealed.

Passed the House February 15, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 24, 1905.

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## CHAPTER 32.

(H. B. No. 57)

### DEFICIENCY APPROPRIATION FOR STATE OYSTER BOARD.

AN ACT making a deficiency appropriation for The State Oyster Board of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and the same is hereby appropriated out of any money in the State oyster fund not otherwise appropriated the sum of six hundred sixty-five dollars and sixty-five cents (\$665.65), namely: To Wallace Stuart \$29.25, Wallace Stuart \$187.50, J. H. Deer \$155.00, T. R. Kershaw \$44.00. T. R. Kershaw \$232.75, Wallace Stuart \$17.15.

SEC. 2. That the State Auditor is hereby authorized to draw warrants on the State Treasurer to the respective persons and for the respective amounts mentioned in Section one of this act upon the presentation of the proper voucher therefor.

Passed the House February 7, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 24, 1905.

## CHAPTER 33.

(H. B. No. 106)

### AMENDING CODE RELATIVE TO CRIME OF SEDUCTION.

AN ACT relating to the punishment of the crime of seduction, and amending Section 7066 of Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 7066 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7066. If any person seduce and debauch any un-Amendment.  
married woman of previously chaste character, he shall be punished by imprisonment in the penitentiary not more than five years, or by fine not exceeding one thousand dollars and imprisonment in the County jail not exceeding one year. If before judgment upon an information or indictment the defendant marry the woman seduced, all proceedings under such information or indictment shall be stayed, and no further proceedings shall be had thereunder so long as the defendant shall live with, provide for and support his wife; but if at any time within three years from the date of such marriage the defendant shall wrongfully fail to support or Failure to support.  
to provide for or shall wrongfully desert or abandon his wife, prosecution shall proceed under said information or indictment in the same manner as though no marriage had taken place.

Passed the House February 7, 1905.

Passed the Senate February 16, 1905.

Approved by the Governor February 24, 1905.

## CHAPTER 34.

(H. B. No. 131)

**AMENDING PIERCE'S CODE PROVIDING FOR ANNEXATION  
OF CERTAIN COUNTY TERRITORY TO  
NEIGHBORING COUNTIES.**

**AN ACT** to repeal an act entitled, "An act to amend Section 1 (Pierce's Code, Section 3921) of an act entitled, 'An act to provide for annexing certain county territory to a neighboring county to which it is contiguous,' and to repeal Section 10 of said act, approved March 9, 1891," approved March 16, 1903, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Chapter 121 of the Session Laws of 1903, same being an act entitled, "An act to amend Section one (Pierce's Code, Section 3921) of an act entitled, 'An act to provide for annexing certain County territory to a neighboring County to which it is contiguous and to repeal Section ten of said act, approved March 9, 1891,' approved March 16, 1903," be and the same is hereby repealed.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 14, 1905.

Passed the Senate February 16, 1905.

Approved by the Governor February 24, 1905.

## CHAPTER 35.

(H. B. No. 90)

**RELIEF OF JOHN H. WILLMS.**

**AN ACT** for the relief of John H. Willms, and authorizing the Commissioner of Public Lands of the State of Washington to relinquish on behalf of the State of Washington, for the benefit of John H. Willms, the south half of the south half of section 36, township 25 north of range 22 east of the Willamette Meridian.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The Commissioner of Public Lands of the State of Washington be and he is hereby authorized and em-

powered by the Legislature of the State of Washington, to execute in the name of and on behalf of the State of Washington, and to file in the proper United States Land Office a relinquishment to the United States of the claims of the State of Washington to the south half of the south half of section 36, township 25 north of range 22 east of the Willamette Meridian, the said relinquishment to take effect concurrently with the acceptance by the Register and Receiver of the proper United States Land Office of the homestead entry of John H. Willms, to the end that said John H. Willms may make homestead entry of said lands, and the said Commissioner of Public Lands make selection of other lands in lieu thereof.

Passed the House February 14, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 24, 1905.

## CHAPTER 36.

(S. B. No. 21)

### RELATIVE TO SUPERIOR COURT OF SNOHOMISH AND KITSAP COUNTIES.

AN ACT relating to the Superior Court of Snohomish and Kitsap Counties, providing for the election of judges therein and providing for the appointment of a judge for Kitsap County and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. From and after the passage and approval of this act, there shall be in the County of Kitsap one Superior Judge, and in the County of Snohomish in the State of Washington, one Superior Judge.

SEC. 2. The Governor of the State of Washington shall, upon the taking effect of this act, appoint, as such Superior Judge for the County of Kitsap, a person eligible and qualified according to the Constitution of the State of Washington, and such appointee shall be and shall hold office as such Superior Judge until the next general election to be held

Governor to  
appoint.

in the State of Washington, and until his successor is elected and qualified.

Election in  
1906.

SEC. 3. At the general election to be held in the State of Washington in the year 1906, there shall be elected in the County of Kitsap one Superior Judge who shall succeed the Superior Judge mentioned in Section two of this act, and shall hold his office until the second Monday in January, 1909, and until his successor is elected and qualified.

Election in  
1908 and  
thereafter.

SEC. 4. At the general election to be held in the State of Washington in the year 1908, there shall be elected one Superior Judge for the County of Kitsap, and one Superior Judge for the County of Snohomish, in the State of Washington, whose terms of office shall be for four (4) years from the second Monday in January, 1909, and every four (4) years thereafter there shall be one Superior Judge elected for each of said counties.

SEC. 5. After the appointment and qualification of a judge for the County of Kitsap under the provisions of this act, the judge elected at the November election, 1904, for said Counties of Kitsap and Snohomish, shall, during the remainder of his term of office, and until the election and qualification of his successor, remain the Superior Judge in and for the County of Snohomish.

Emergency.

SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the Senate February 20, 1905.

Passed the House February 25, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 37.

(H. B. No. 180)

**RELATIVE TO MAINTENANCE, REPAIR AND RENEWAL OF  
SIDEWALKS IN CITIES FROM FIRST TO FOURTH CLASS,  
INCLUSIVE.**

**AN ACT** relating to maintenance, repair and renewal of sidewalks in cities of the first, second, third and fourth class, and other cities and towns of equal population working under special charters, and providing for the payment thereof by the owners of abutting property.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That whenever any street, lane, square, place or alley in any city of the first, second, third or fourth class or other cities and towns of equal population working under special charters, now or hereafter legally organized in this State shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense or maintenance, repair and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed as hereinafter provided. Whenever in the judgment of that officer or department of any such city who, or which is or shall be, charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys in such city, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said officer or department shall thereupon serve a notice on the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clear, repair, or renew the said portion of the sidewalk. The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a non-resident by mailing a copy to his last known address, or if the owner of the property be unknown or if his address be unknown then such notice shall be addressed to the general delivery office of the city wherein the improvement is to be made. Such notice

Cost attaches  
to abutting  
property.

Notice to re-  
pair or renew.

Notice, what  
to specify.

shall specify a reasonable time within which such cleaning, repairs or renewal shall be executed by the said owner, and shall state that in case the said owner shall fail to do such cleaning or to make such repairs or renewal within the time therein specified then the said officer or department will proceed to clean said walk or to make such repairs or renewal forthwith, and will report to the city council at its next regular meeting or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known, and that the council will hear any or all protests against the proposed assessment.

Assessment  
by council of  
costs.

The council shall at the time in such notice designated or at an adjourned time or times assess the cost of such work against said property in accordance with the benefits derived therefrom, which said charge shall become a lien upon said property and shall be collected by due process of law. For the purposes of this act all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable, as provided by this act for all costs of maintenance, repairs or renewal of any form of sidewalk improvement between the said street margin and the roadway lying in front of and adjacent to said property, and the term sidewalk, as intended for the purposes of this act, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway.

What deemed  
abutting  
property.

SEC. 2. Nothing in this act shall be construed to limit or repeal any existing powers of cities or towns with reference to the improvement or maintenance of sidewalks, streets, lanes, places, squares or alleys, but the power and authority herein granted is to be exercised concurrent with or in extension of the powers and authority now existing. The legislative authority of any city before exercising the powers and authority herein granted shall, by proper ordinance, provide for the application and enforcement of the same within the limitations herein specified.

Passed the House February 7, 1905.

Passed the Senate February 16, 1905.

Approved by the Governor February 24, 1905.



## CHAPTER 38.

(H. B. No. 100)

CREATING THE OFFICE OF CHAPLAIN OF THE STATE  
PENITENTIARY.

AN ACT creating the office of Chaplain of the State Penitentiary,  
prescribing his duties and fixing his compensation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There shall be appointed by the Governor a <sup>Governor to appoint.</sup> Chaplain of the State Penitentiary who shall hold office for the term of two years, unless sooner removed by the Governor.

SEC. 2. It shall be the duty of the Chaplain of the State Penitentiary to perform religious services in the prison, at <sup>Duties and reports of Chaplain.</sup> least once every Sabbath, himself, unless prevented by sickness, in which case he may furnish a regularly ordained preacher, and to attend to the spiritual wants of the convicts; to visit the convicts in their cells for the purpose of giving them religious and moral instructions, and to devote at least one hour in each week day and the afternoon of each Sunday to such instructions; to take charge of the library and to take care that no improper books are introduced into the cells of the convicts, and if any such books shall be found either in the cells or in the possession of the convicts, to take away and return the same to the Warden, and for the purpose of properly discharging these duties, to visit weekly each cell in the prison; to visit daily the sick in the hospital; to make quarterly report to the Governor, stating the number of convicts that have been instructed during the last quarter, the <sup>Quarterly report—what to contain.</sup> branches of education in which they shall have been instructed, the text books used in such instruction, and the progress made by the convicts, and to note especially, any cases in which an unusual progress has been made by a convict; to make an annual report on or before the first day of November in each year, to the Governor, which report shall be attested by his oath or affirmation to be just and true, relative to the religious and moral conduct of the prisoners during the year ending with the last day of the previous September, stating therein what services he has performed and the results, if any, of his instructions, and he

shall append thereto, as far as practicable in tabular form, a statement exhibiting the number of the convicts in prison on the last day of such September, and at what age convicted, specifying separately the number born in the United States, foreigners, and of what country, and the nativity of their parents, the number that cannot read, that can read only, read and write, well educated, classically educated, temperate, intemperate, healthy, diseased, whether employed at the time of the commission of the crime, counties where convicted, occupation, sentence, how many times recommit-

Proviso, as to  
consent of  
Warden.

ted and social state: *Provided*, that at no time shall such chaplain visit any portion of the State Penitentiary or any convict therein without the consent of the warden; and *provided further*, that all reports of such chaplain shall be made to the warden.

Salary and  
office of

SEC. 3. He shall receive for his services a yearly salary of twelve hundred dollars (\$1,200) which shall be paid in the same manner as that of other State officers. He shall be supplied with an office in the State Penitentiary, which shall be furnished with fuel and light.

Passed the House February 2, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 39.

(H. B. No. 71)

### AMENDING BALLINGER'S CODES RELATIVE TO ELECTIONS.

AN ACT to amend Sections 1362 and 1394 of Ballinger's Annotated Codes and Statutes of the State of Washington relating to elections.

1862-94 Bal-  
linger.

*Be it enacted by the Legislature of the State of Washington:*

Amendment  
Duty of  
County Com-  
missioners.

SECTION 1. That Section 1362 of Ballinger's Annotated Codes and Statutes of the State of Washington relating to elections, be amended to read as follows: Section 1362. Except as in this chapter otherwise provided, it shall be the duty of the clerk of the Board of County Commissioners of each County to provide ballot boxes, or pouches, printed bal-

lots, and duplicate poll books for every election for public officers in which election, or any of the electors within the County, participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the County Auditor in the manner provided for in this chapter. Ballots other than those printed by the respective clerks of Boards of County Commissioners, according to the provisions of this chapter, shall not be cast or counted in any election. Nothing in this chapter contained shall prevent any voter from writing or pasting on his ballot the names of any person for whom he desires to vote for any office, and such vote shall be counted, the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided. Ballots.

SEC. 2. That Section 1394 of Ballinger's Annotated Code and Statutes of the State of Washington relating to elections, be amended to read as follows, to-wit: Section 1394. If any person shall take the oath as tendered to him by the Inspector or Judges and no evidence is offered to traverse the same, by the officer or party challenging, and shall otherwise comply with the requirements of law regulating the balloting, he shall be admitted to vote; but before the ballot of the voter shall be deposited he shall be required to sign the registration book in the column headed "Identification," Identification of voters. provided for that purpose, and on the same line as, and opposite to the original signature of the voter offering to vote, which original signature shall be so concealed as not to be seen by the voter offering to vote; and in case such voter is incapable of writing his name, he shall, at the left hand side of the column, make a cross or other mark usually employed by such voter for indicating his signature, and some person who is personally known to the Inspector and who personally knows the voter, shall sign the registration book in his behalf as identifying witness. If such voter offering to vote shall refuse to take the oath or affirmation so Rejection of votes. tendered him or to write his signature as required, his vote shall be rejected.

Passed the House February 6, 1905.

Passed the Senate February 23, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 40.

(H. B. No. 44)

## RELATIVE TO LIVE STOCK INSURANCE.

AN ACT providing for the incorporation and regulation of live stock insurance companies and associations, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

Formation  
and purposes  
of.

SECTION 1. Any ten or more persons, residents of this State, who may desire to form a company or association for the purpose of mutual protection of the members thereof against loss of live stock by death from disease, lightning, tornadoes, cyclones, accidents and every other casual or accidental cause, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgments of deeds, and file one of such articles in the office of the County Auditor in which the principal place of business of the company is intended to be located, a second in the office of the Secretary of State and retain the third in the possession of the company. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the time of its existence, not to exceed fifty years, the number of trustees and their names who shall manage the affairs of the company for such length of time, not less than two nor more than six months, as may be designated in said articles, and the name of the city or town and County in which the principal place of business of the company is to be located; and upon the filing of said articles with the Insurance Commissioner of this State, together with a statement certified under the oath of its President and Secretary showing the amount of the insurance and the number of risks pledged upon its books, and that it has otherwise complied with the provisions of this statute, the Insurance Commissioner shall grant such company or association a certificate of authority to do business. Amendments may be made to the articles of incorporation by supplemental articles executed and filed the same as the original articles. The trustees of any such company shall adopt such by-laws as they may

Where  
articles  
be filed. shall

Articles—  
what to  
contain.

Certificate of  
authority.

Amendments.

By-Laws.

deem proper for the government of its affairs and said by-laws shall also provide for the liability of its members, for the payment of losses and expenses: *Provided*, That such liability shall not be less than a sum equal to one annual premium nor more than a sum equal to five times the amount of one annual premium, and such liability when so determined by the by-laws shall be the entire liability of each member. Liability.

SEC. 2. No policy of insurance shall be issued by such company or association until no less than two hundred thousand dollars of insurance has been subscribed and entered upon its books. Issuance of policies—when.

SEC. 3. No policy of insurance shall be issued for more than three-fourths of the estimated cost value of the property insured. Limit of value

SEC. 4. Any member of such company or association may withdraw and be released from all liability as a member, by surrendering his policy of insurance in such company or association, and by giving five days' notice in writing of his intention to withdraw, and paying all obligations, dues and assessments due or pending at the time of his withdrawal; but the liability of members for their pro rata shares of the losses of such company or association shall not cease until the foregoing conditions have been complied with. Withdrawal or release from liability.

SEC. 5. Every company or association organized or operating under the provisions of this act shall hold an annual meeting of its members, at which each member shall be entitled to vote on the election of trustees. Election of trustees.

SEC. 6. It shall be the duty of the President and Secretary of such company or association doing business under the provisions of this act, on or before the fifteenth day of January of each year, to prepare and file in the office of the Insurance Commissioner of this State a statement certified under the oath of said President and Secretary, exhibiting the following facts and items: First. The amount of the property at risk on the thirty-first day of December next preceding the date of the report; the amount of risks added during the previous year; the amount of risks cancelled, withdrawn or terminated during the year, and the largest amount of insurance carried on any single risk. Second. The amount of cash received with applications, whether paid to agents or officers for insurance during the year; the amount received from assessments during the year; the amount re- Duties of president and secretary.  
Statement—what to show.  
Risks.  
Cash receipts.

ceived from all other sources, and the total income. Third. **Losses.** The amount paid for losses during the year; the amount paid officers and trustees; the amount paid office help; the amount paid agents; the amount of all other expenditures, and the **Cash on hand** total expenditures. Fourth. The amount of cash on hand; the amount and nature of all other assets, and the total assets. Fifth. The amount of losses reported during the year and **Unpaid losses reported.** unpaid; the amount and nature of all other liabilities, and the total liabilities; and no such company or association shall use or exhibit for advertising purposes any other financial statement than the one referred to in this section, or a copy thereof.

**Insurance Commissioner may examine books, etc.—when.**

SEC. 7. When it shall appear to the Insurance Commissioner from its annual report, or otherwise, that the solvency of any mutual company or association doing business under this act is impaired, or that the provisions of this act are being violated, he shall immediately make examination of such company or association, and for that purpose he shall have access to all books or papers of the company or association and shall have power to administer oaths and to examine the various officers thereof as to all matters pertaining to the business of such company or association, and also such other witnesses as may be material or important. If the unpaid losses of the company amount to twenty-five cents on each one hundred dollars (\$100.00), insurance actually in force, or if the laws of the State are being violated by the company or association the Commissioner shall order the laws complied with and require all losses to be paid within sixty days. If such company or association shall fail to comply with such requirements within sixty days the Commissioner shall revoke its license to do business until all liabilities shall have been paid in full and the laws are complied with in all respects. And whenever the Commissioner shall make an examination as provided in this section, he shall make a written report of such examination, together with a sworn statement of the expense of such examination, which amount and no more shall be collected from such examined company or association, and file the same in his office. Should any company or association issue a policy of insurance without a license from the Insurance Department of this State, or after the license of such company or association has been suspended or revoked it shall be liable to a penalty of one hundred dollars for each offense: *Provided, however,* That the Insurance

**Revocation of license by Insurance Commissioner.**

**Penalty for unlawful issuance of policy.**

Commissioner shall have no power or authority to refuse a live stock insurance company or association a license to do business in this State if such company or association is solvent and has fully complied with the laws of this State: *And provided further*, That such Insurance Commissioner shall have no authority to revoke or suspend the license of any association or corporation transacting the business of mutual live stock insurance if such association or corporation is solvent and complies with the provisions of this act.

SEC. 8. Each insurance company or association doing business under this act shall pay the Insurance Commissioner: For filing articles of incorporation, \$10.00; for annual license to do business in this State, \$10.00; for filing each annual statement, \$10.00; for annual license of each agent or solicitor of such company, \$5.00. Fees to Insurance Commissioner.

SEC. 9. All assessments levied shall be at the rate of fifteen per cent. of the amount of the annual premium charged by stock insurance companies as set forth in rate book number four of the issue of 1900, as issued by the State Insurance Commissioner, or the special rate books used by said companies: *Provided*, Any association or company operating under the provisions of this act may in the discretion of its trustees, accept cash premiums for the term of the policy or premium payable in installments evidenced by promissory notes in lieu of assessments levied upon its members. Assessments.

SEC. 10. Any such association may create a reserve fund for the benefit of its members and invest the same in State, County, School or City bonds or warrants, in the State of Washington, or may loan the same on real estate, such loan in no case to exceed fifty per centum of the assessed valuation of such real estate, and the interest thus earned, when not used on account of the operating expenses of the association, shall be added to and become a part of such reserve fund. Reserve fund.

SEC. 11. Any association heretofore organized in whole or in part in accordance with the provisions of this act shall, upon compliance with all of the provisions of this act that shall have been theretofore complied with, be authorized to do business under this act to the same extent and in the same manner as though hereafter organized. Provision as to old companies.

SEC. 12. The term "persons" as used in this act, shall be held to include corporations; and any such corporation may become a member of any association or corporation organized under this act. Term "person" defined.

**Emergency.** SEC. 13. An emergency exists and this act shall take effect immediately.

Passed the House February 9, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor February 27, 1905.

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## CHAPTER 41.

(S. B. No. 88)

### AMENDING ACT REGULATING PRACTICE OF MEDICINE AND SURGERY.

AN ACT to amend Section 3 of an act entitled, "An act to regulate the practice of medicine and surgery in the State of Washington, and to license physicians and surgeons; to punish all persons violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency," received by the Governor March 28, 1890, and having become a law by reason of not having been filed, with the Governor's objections thereto, in the office of the Secretary of State within the time prescribed by the Constitution of the State, as amended by an act passed by the House of Representatives February 8, 1901, and by the Senate February 14, 1901, thereafter vetoed by the Governor, and passed over his veto by the House of Representatives and by the Senate on February 28, 1901, the same being known as Section 6284 of Pierce's Code.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 3 of an act entitled, "An act to regulate the practice of medicine and surgery in the State of Washington and to license physicians and surgeons; to punish all persons violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency," received by the Governor March 28, 1890, and having become a law by reason of not having been filed, with the Governor's objections thereto, in the office of the Secretary of State within the time prescribed by the Constitution of the State, as amended by an act passed by the House of Representatives February 8, 1901, and by the Senate February 14, 1901, thereafter vetoed by the Governor, and passed over his veto by the House of Representatives and by the Senate on February 28, 1901, the same being known as



Section 6284 of Pierce's Code, be amended to read as follows: <sup>6284 Pierce amendment.</sup>  
 Section 3. Hereafter every person desiring to commence the practice of medicine and surgery, or either of them, in <sup>Application for license.</sup> any of its or their branches, in this State, shall make a written application to said board for a license so to do. Each applicant for such license shall be not less than twenty-one years of age, shall furnish a certificate of good moral character, shall be a graduate of some duly authorized medical college now having, if it still be in existence, at least a four years graded course. Such applicant at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches: Anatomy, physiology, chemistry, histology, <sup>Examination, in what branches.</sup> materia medica, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable. Said board shall cause said examination to be both scientific and practical and of sufficient severity to test the candidate's fitness to practice medicine and surgery; which examination shall be by written or printed, or partly written or partly printed questions and answers and the same shall be filed and preserved of record in the office of the secretary of board. After examination, if the same be satisfactory, said board shall grant a <sup>Licenses—how granted.</sup> license to such applicant to practice medicine and surgery in the State of Washington, which said license can only be granted by the consent of not less than five members of said board, except as hereinafter provided and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination <sup>Fee.</sup> shall be twenty-five dollars and shall be paid by the applicant to the treasurer of said board toward defraying the expenses thereof and toward the enforcement under the supervision and control of said board of the provision of this act; and such board may refuse or revoke a license for <sup>Revocation of license.</sup> unprofessional or dishonorable conduct, subject, however, to the right of such applicant to appeal from the decision of said board refusing or revoking such license as hereinafter provided.

Passed the Senate February 2, 1905.

Passed the House February 23, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 42.

(S. B. No. 94)

## TO PREVENT FRAUDULENT REMOVAL OR OTHER DISPOSITION OF PERSONAL PROPERTY.

AN ACT to prevent the fraudulent removal, sale, disposition of, encumbrance or destruction of personal property and to provide punishment for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That any purchaser or lessee of personal property obtaining the possession of such property under a contract providing that the title thereto shall not vest in the purchaser until the purchase price thereof has been paid in full, who, with intent to hinder, delay or defraud the vendor thereof or his or her assigns or legal representatives, shall injure or destroy such property or any part thereof or shall conceal such property or any part thereof, or shall remove the same or any part thereof from the county where it was situated at the time the possession thereof passed to said purchaser or lessee before it is duly released, without the consent in writing of the vendor, or shall sell or dispose of the same or any interest therein where he parts with the possession thereof, without the consent in writing of the vendor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than twice the value of such property, or by both such fine and imprisonment.

Passed the Senate February 1, 1905.

Passed the House February 20, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 43.

(S. B. No. 6)

## CREATING CERTAIN FUNDS FOR THE AGRICULTURAL COLLEGE, AND THE STATE NORMAL SCHOOLS.

AN ACT creating two certain funds in the State treasury; one to be known as "The current fund of the Agricultural College and School of Science," and the other to be known as "The Normal School current fund."

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and hereby is created in the State treasury a fund to be known as "The current fund of the Agricultural College and School of Science." Agricultural College.

SEC. 2. That there shall be paid into said fund for the use and support of the Agricultural College and School of Science: *First*—All moneys heretofore collected or hereafter to be collected from the lease or rental of lands set apart by the enabling act or otherwise for the Agricultural College and School of Science;

*Second*—All interest or income arising from the proceeds of the sale of any of said lands;

*Third*—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

SEC. 3. That there be and hereby is created in the State treasury a fund to be known as "The normal school current fund." Normal School.

SEC. 4. That there shall be paid into said "The normal school current fund" for the use and support of the normal schools of the State: *First*—All moneys heretofore collected or hereafter to be collected from the lease or rental of lands set apart by the enabling act or otherwise for the State normal schools; *Second*—All interest or income arising from the proceeds of the sale of said lands; *Third*—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

Passed the Senate January 27, 1905.

Passed the House February 23, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 44

(S. B. No. 43)

## FOR THE RELIEF OF F. C. OWINGS.

AN ACT for the relief of Frank C. Owings, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

Appropriation.

SECTION 1. That the sum of one hundred and fifty (\$150) dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated for the relief of Frank C. Owings for legal services rendered the State Treasurer for the benefit of the State of Washington in litigation wherein the Attorney General was a party to the proceeding, personally interested therein, opposed to said State Treasurer and therefore unqualified to represent him, which said litigation culminated in a decision by the Supreme Court of the State, in the case entitled, "State *ex rel.* W. B. Stratton v. C. W. Maynard as State Treasurer" and reported in Volume 35 Washington Reports at page 168.

SEC. 2. The State Auditor is hereby authorized and directed to draw a warrant on the State Treasurer in favor of said Frank C. Owings for said amount and the State Treasurer is directed to pay said warrant out of any money in the State treasury not otherwise appropriated.

Passed the Senate January 27, 1905.

Passed the House February 23, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 45.

(S. B. No. 46)

## FOR THE RELIEF OF THE CAPITAL NATIONAL BANK.

AN ACT for the relief of the Capitol [Capital] National Bank of Olympia for money advanced for the maintenance of the State Capitol and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there is hereby appropriated out of the <sup>Appropriation.</sup> general fund the sum of eighteen hundred and four and 31-100 dollars (\$1804.31). The said sum payable to the Capitol [Capital] National Bank of Olympia by the State Auditor upon proper vouchers, duly presented, being for money advanced for the maintenance of the capitol for the months of October, November and December, 1904.

SEC. 2. The State Auditor is hereby authorized and instructed to draw a warrant on the State Treasurer in favor of the Capitol [Capital] National Bank of Olympia for eighteen hundred and four and thirty-one one-hundredths dollars and the State Treasurer is hereby directed to pay said warrant out of any moneys in the treasury not otherwise appropriated.

Passed the Senate February 7, 1905.

Passed the House February 23, 1905.

Approved by the Governor February 27, 1905.

## CHAPTER 46

(S. B. No. 96)

FOR THE REGULATION AND GOVERNMENT OF THE STATE  
PENITENTIARY.

AN ACT to amend Section 28 of an act entitled, "An act to define, regulate and govern the State Penitentiary and declaring an emergency," approved March 9, 1891, being Section 2757 of Ballinger's Annotated Codes and Statutes of Washington, being Section 6924 of Pierce's Washington Code."

*Be it enacted by the Legislature of the State of Washington:*

Felony to  
take weapons  
to persons  
confined.

SECTION 1. That Section 2757 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 2757. Any person who shall unlawfully take or carry, or cause to be taken or carried, to the Penitentiary, for the use of any person confined therein, any weapon or explosive, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the Penitentiary for life, or any term of years.

Penalty.

Felony to  
provide  
means of  
escape.

Section 2757a. Any person who shall unlawfully take or carry, or cause to be taken or carried to the Penitentiary, for the use of any person confined therein, any rope, cord, wire, or mechanical tool or device which can be used to attempt an escape, or any opium, morphine or other drug, or who shall aid any prisoner confined therein, in any way to escape, or who shall harbor or conceal any escaped prisoner, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the Penitentiary not more than ten (10) years nor less than one (1) year, or by fine not exceeding fifteen hundred dollars (\$1500) nor less than one hundred dollars (\$100), or by both fine and imprisonment.

Penalty.

Passed the Senate February 2, 1905.

Passed the House February 23, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 47.

(S. B. No. 87)

**EXTENDING TIME FOR REMOVAL OF TIMBER PRODUCTS  
FROM STATE, GRANTED OR SCHOOL LANDS.**

AN ACT authorizing the Board of State Land Commissioners of the State of Washington to extend the time for the removal of timber sold on State, granted, or school lands.

*Be it enacted by the Legislature of the State of Washington.*

SECTION 1. That all persons, firms, or corporations who, prior to March 18, 1901, purchased from the State of Washington timber on State, school, or granted lands, and who have not already removed the timber therefrom, shall have a period of ten years from March 18, 1901, in which to remove the timber from such lands.

SEC. 2. All acts and parts of acts in conflict with this Repeal. act are hereby repealed.

Passed the Senate February 8, 1905.

Passed the House February 20, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 48.

(S. B. No. 85)

**RELATIVE TO THE SANITARY CONDITION OF HOTELS AND  
RESTAURANTS.**

AN ACT providing for sanitary conditions in hotel and restaurant kitchens, and providing penalties for non-compliance therewith.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. All buildings or rooms occupied as a kitchen in connection with hotels or restaurants, shall be drained and plumbed in a manner conducive to the proper and healthful condition thereof and shall be constructed with air shafts, Drainage and plumbing.

windows or ventilating tubes sufficient to assure an adequate ventilation, and that no water or earth closet, privy or ash pit shall be within, or directly communicate with any such kitchen.

Violation and  
penalty.

SEC. 2. Any person who violates the provisions of this act, by making use of any kitchen not fitted in conformity therewith, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five nor more than fifty dollars or imprisoned in the County jail not more than fifteen days for the first offense, and shall be fined not less than fifty nor more than one hundred dollars or imprisoned in the County jail not more than thirty days for the second or any succeeding offense.

Passed the Senate February 1, 1905.

Passed the House February 23, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 49.

(S. B. No. 9)

### DRAWING CHECK OR DRAFT, WITHOUT FUNDS TO COVER SAME, A FELONY.

AN ACT making the drawing, or uttering, of a bank check or draft for the payment of money, without funds or credit to meet the same upon presentation, a felony, and prescribing a penalty therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any person who shall with intent to defraud make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or depository, to meet said check, in full upon its presentation, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Penitentiary for not more than five years or less than one year, or imprisonment in the County jail for any length of time not

Penalty.



exceeding one year. The word "Credit" as used herein shall be construed to mean an arrangement or understanding with the bank for the payment of such check or draft.

Passed the Senate January 19, 1905.

Passed the House February 23, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 50

(S. B. No. 8)

### PROHIBITING THE SALE OF ADULTERATED MILK OR OTHER FOOD PRODUCT.

AN ACT prohibiting the sale of milk or any food product in which formaldehyde or other poisonous substances shall have been mixed as an ingredient; declaring the same a felony; providing a penalty therefor; and requiring the State Dairy and Food Commissioner, Attorney General and Prosecuting Attorneys to enforce the provisions hereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any person who shall sell, offer to sell, or have in his possession for the purpose of sale, either as owner, proprietor, or assistant, or in any manner whatsoever, whether for hire or otherwise, any milk or any food products, containing the chemical ingredient commonly known as formaldehyde, or in which any formaldehyde or other poisonous substance has been mixed, for the purpose of preservation or otherwise, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the Penitentiary for the period of not less than one (1) year nor more than three (3) years.

Felony to adulterate milk.

Penalty.

SEC. 2. This act shall be supplementary to the laws of this State now in force prohibiting the adulteration of food and fraud in the sale thereof; and the State Dairy and Food Commissioner, the chemist of the State Agricultural Experiment Station, the State Attorney General and the prosecuting attorneys of the several counties of this State are hereby required, without additional compensation, to assist in the execution of this act, and in the prosecution of all

Supplementary to existing laws.

persons charged with the violation thereof, in like manner and with like powers as they are now authorized and required by law to enforce the laws of this State against the adulteration of food and fraud in the sale thereof.

Passed the Senate January 31, 1905.

Passed the House February 23, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 51.

(H. B. No. 54)

### AMENDING ACT RELATIVE TO ADULTERATION OF FOOD.

AN ACT to amend Sections 5 and 6 of "An act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency and repealing, "An act to provide against the adulteration of food, approved March 13, 1899," approved March 16, 1901.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 5 of an "Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing "An act to provide against the adulteration of food approved March 13, 1899," approved March 16, 1901, is hereby amended to read as follows:

Amendment.

Section 5. Possession by any person, firm or corporation of any article of food, the sale of which is prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act.

and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the Superior Court of the County in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as required in Section 4; *Provided, however,* That the said Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, or if the same are found in the possession of a common carrier, then to the consignee of such food, notifying such person, firm or corporation that he has seized the said foods and the reasons therefor, and that he has made an application to the Superior Court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier day by mutual consent of the parties to said application.

SEC. 2. That Section 6 of an "Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation; declaring an emergency, and repealing "An act to provide against the adulteration of food; approved March 13, 1899," approved March 16, 1901, be amended to read as follows: Section 6. Every person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

Marking of  
packages.

All food packages shall be marked, stenciled or branded on the package in a conspicuous manner with the name of the purporting contents.

Passed the House February 2, 1905.

Passed the Senate February 23, 1905.

Approved by the Governor March 2, 1905.

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## CHAPTER 52.

(H. B. No. 28)

PROVIDING FOR PAYMENT OF PREMIUM ON OFFICIAL BONDS OF STATE, COUNTY OR CITY TREASURERS.

AN ACT to provide for the payment by the State or Counties or Cities of the premium or charge on official bonds of State, County or City Treasurers when given by surety companies.

*Be it enacted by the Legislature of the State of Washington:*

Cities of first,  
second and  
third classes.

SECTION 1. That the premium or charge for bonds given by surety companies for State treasurers, County treasurers and treasurers of cities of the first, second and third class, shall be paid by the State, County or city, respectively: *Provided*, That no such premium or charge shall exceed one half of one per cent per annum on the amount of such bond.

Passed the House February 14, 1905.

Passed the Senate February 24, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 53.

(H. B. No. 82)

CHANGING NAME OF THE WASHINGTON AGRICULTURAL  
COLLEGE TO THE "STATE COLLEGE OF WASHINGTON."

AN ACT to change the name of the Washington Agricultural College Experiment Station and School of Science to the State College of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the name of the Washington Agricultural College Experiment Station and School of Science be and the same is hereby changed to the State College of Washington.

SEC. 2. That such change of name shall not be construed to indicate any change in the purposes, function or work of said institution but that the same shall be and remain as provided by law. Construction  
of name.

SEC. 3. That all rights, privileges, immunities and obligations of the Washington Agricultural College Experiment Station and School of Science shall continue to the State College of Washington.

Passed the House, February 15, 1905.

Passed the Senate, February 24, 1905.

Approved by the Governor March 2, 1905.

## CHAPTER 54.

(H. B. No. 110)

AMENDING ACT RELATIVE TO CLOSED SEASON FOR  
TROUT IN CHELAN COUNTY.

AN ACT to amend Section one (1) of Chapter forty-seven (47) of the laws of 1903, providing for a closed season for trout fishing in the lakes and streams of Chelan County.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section one (1) of Chapter forty-seven (47) of the laws of 1903 be and the same is hereby amended to read as follows:

Amendment.

Section 1. It shall not be lawful for any person or persons to take, capture, catch or kill from any of the lakes or streams within the County of Chelan, or to have in their possession after the same have been taken, captured, caught or killed, any trout between the fifteenth day of April and the first day of July in each year.

Passed the House, February 15, 1905.

Passed the Senate, February 23, 1905.

Approved March 2, 1905.

## CHAPTER 55.

(H. B. No. 102)

### ENABLING CITIES OF FIRST, SECOND AND THIRD CLASSES TO RE-INCORPORATE.

AN ACT to enable cities of the first, second and third classes, and other cities and towns working under special charters, having sufficient population to authorize them to re-incorporate under the laws of the State of Washington, as cities of the first, second or third class, to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Every city of the first, second and third classes, within the State of Washington, and every city and town within the State of Washington, working under special charters, having sufficient population to authorize them to re-incorporate as cities of the first, second or third class, under the laws of the State of Washington, is hereby authorized and empowered to condemn land and property for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares and public markets, city and town halls, jails and other public buildings and for the opening, widening, extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the

May condemn  
land—when  
and for what  
purposes.

purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pest houses, drains and sewers, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such city a supply of fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to condemn land and other property and damage the same for any other public use within the authority of such city after just compensation having been first made or paid into court for the owner in the manner prescribed by this act.

SEC. 2. When the corporate authorities of any such city shall desire to condemn land or other property, or damage the same, for any purpose authorized by this act, such city shall provide therefor by ordinance, and unless such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, compensation therefor shall be made from any general funds of such city applicable thereto. If such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, the proceedings for the making of such special assessment shall be as hereinafter prescribed in this act: *Provided*, That no special assessment shall be levied under authority of this act except when made for the purpose of streets, avenues, alleys or highways or alterations thereof or changes of the grade therein or other improvements in or adjoining the same, or for bridges, approaches, culverts, sewers, drains, ditches, public squares, drives or boulevards or for the purpose of draining swamps, marshes or ponds, or for filling the same: *And it is further provided*, That when a street, avenue, highway or boulevard is established or widened to a width greater than one hundred and fifty feet the excess over and above the one hundred and fifty feet shall be paid out of the

Compensation,  
how made.

Provision as  
to special  
assessments

general fund of such city without any deduction for benefits of such excess.

Petition.

SEC. 3. Whenever any such ordinance shall be passed by the legislative authority of any such city for the making of any improvement authorized by this act or any other improvement that such city is authorized to make, the making of which will require that private property be taken or damaged for public use, such city shall file a petition in the Superior Court of the County in which such city is situated, in the name of the city, praying that just compensation, to be made for the private property to be taken or damaged for the improvement or purpose specified in such ordinance, "be ascertained by a jury or by the Court in case a jury be waived."

Petition—  
what to  
contain.

SEC. 4. Such petition shall contain a copy of said ordinance, certified by the clerk under the corporate seal, a reasonably accurate description of the lots, parcels of land and property, which will be taken or damaged, and the names of the owners and occupants thereof and of persons having any interest therein, so far as known, to the officer filing the petition or appearing from the records in the office of the County Auditor, and where any known owners or other persons so interested are non-residents of the State, stating the fact of such non-residence.

Summons.

SEC. 5. Upon the filing of the petition aforesaid a summons, returnable as summons in other civil actions, shall be issued and served upon the persons made parties defendant, together with a copy of the petition, as in other civil actions. And in case any of them are unknown or reside out of the State, a summons for publication shall issue and publication be made and return and proof thereof be made in the same manner as is or shall be provided by the laws of the State for service upon absent defendants in other civil actions. Notice so given by publication shall be sufficient to authorize the Court to hear and determine the suit as though all parties had been sued by their proper names and had been personally served.

Notice.

State, school,  
or county  
land.

SEC. 6. In case the land, real estate, premises or other property sought to be appropriated or damaged is State, School or County land, the summons and copy of petition shall be served on the Auditor of the County in which such land, real estate, premises or other property is situated. Service upon other parties defendant shall be made in the



same manner as is or shall be provided by law for service of summons in other civil actions.

SEC. 7. Upon the return of said summons, or as soon <sup>Return of summons.</sup> thereafter as the business of Court will permit, the said Court shall proceed to the hearing of such petition and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, and the Court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

SEC. 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name or such lot, parcel of land or other property is mentioned or described in such petition: *Provided*, Such person shall first be admitted as a party defendant to said suit by such Court and shall file the statement of his interest in and description of the lot, parcel of land or other property in respect to which he claims compensation. <sup>Jury to determine compensation.</sup>

SEC. 9. The Court may upon the motion of such city or of any person claiming such compensation, direct that said jury (under the charge of an officer of the Court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case where there is no satisfactory evidence given to the jury as to the ownership of or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged for the entire interests therein. <sup>Duty of Court.</sup>

SEC. 10. If there be any building standing, in whole or in part, upon any land to be taken, the jury in their verdict shall add to their finding of damage to the land the damages also to the building or part of building necessary to be taken, if it be the property of the owner of the land; when owned by any other person the damages to the building shall be found separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be found by the jury. At any time before the entry of judgment on the verdict such owner may file <sup>Separate finding—on buildings.</sup> <sup>Value.</sup>

with the clerk of the Court in writing his election to take such building or part of building at the value so found in case of removal, and in such case the amount of such value shall be deducted from the damages found for the land and building, where they belong to the same owner, and from the damages found for the building where they belong to different owners, and the owner shall have such time for the removal of such building after the entry of judgment as the Court shall allow. If the owner shall fail to give notice of his election as aforesaid within the time prescribed, then no deduction shall be made from the damages found as aforesaid, and such building shall become the property of the city in like manner as the land upon which the same stands. If the lands and buildings belong to different persons, or if the land be subject to lease, the damages done to such persons, respectively, may be separately found by the jury on the request of any party.

Return of  
verdict.

SEC. 11. Upon the return of the verdict the proceedings of the Court regarding new trial and the entry of judgment thereon shall be the same as in other civil actions, and the judgment shall be such as the nature of the case shall require. The Court shall continue or adjourn the case from time to time as to all occupants and owners named in such petition who shall not have been served with process or brought in by publication, and new summons may issue or new publication may be made at any time; and upon such occupants or owners being brought in, the Court may impanel a jury to ascertain the compensation so to be made to such defendant or defendants for private property taken or damaged, and like proceedings shall be had for such purpose as hereinafter provided.

Power of  
Court.

SEC. 12. The Court shall have power at any time, upon proof that any such owner or owners named in such petition who has not been served with process has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which has been owned by the person or persons so ceasing to own the same, and the Court may upon any finding or findings of any jury or juries, or at any time during the course of such proceedings enter such order, rule, judgment or decree as the nature of the case may require.

SEC. 13. No delay in ascertaining the amount of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the Court may impanel a jury to ascertain the entire compensation or damage that should be paid for the property or part of property, and the entire interests of all the parties therein, and may require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the Court may make such order as may be necessary in regard to the deposit or payment of such compensation.

Contests not  
to delay  
proceeding.

Order of  
Court.

SEC. 14. When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or distracted person is interested in any property that is to be taken or damaged, the Court shall appoint a guardian *ad litem* for such infant or insane or distracted person to appear and defend for him, her or them, and the Court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane or distracted person in such property or the compensation which shall be awarded therefor.

Infant or  
insane  
persons—  
guardian for.

SEC. 15. When the ordinance providing for any such improvement provides that compensation therefor shall be paid in whole or in part, by special assessment upon property benefited, the compensation found by the jury for any land or property taken shall be irrespective of any benefit from the improvement proposed. When such ordinance does not provide for any assessment, in whole or in part, upon property benefited, the compensation found for land or property taken, and in all cases the damages found in respect to land or property not taken, shall be ascertained over and above any local and special benefit arising from such proposed improvement, except as provided in section two of this act as to streets, avenues and boulevards established or widened to a width greater than one hundred and fifty feet, in which class of cases no benefits shall be deducted as to such excess.

Compensation  
to be taken  
irrespective  
of benefit.

SEC. 16. Any final judgment or judgments rendered by said Court upon any finding or findings of any jury or juries, or upon any finding or findings of the Court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the

Final  
judgments.

amount of such findings and all taxable costs, as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement unless such judgment or judgments shall be appealed from; and no appeal from the same shall delay proceedings under said ordinance, if such city shall pay into Court for the owners, as directed by the Court, the amount of the judgment and costs, and such city, after making such payment into Court, shall be liable to such owner or owners for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the Court in relation to the matter in controversy. In case of an appeal to the Supreme Court of the State by any party to the proceedings the money so paid into the Superior Court, by such city, as aforesaid, shall remain in the custody of said Superior Court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury, the Court or the Judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court and final judgment by default may be rendered in the Superior Court as in other cases.

Liability to  
owners.

Appeals.

Acceptance of  
award.

Title—where  
vested.

Paid from  
general  
fund—when.

SEC. 17. The Court, upon proof that just compensation so found by the jury, or by the Court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into Court as directed by the Court, shall enter an order that the city or town shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so paid or paid into Court as aforesaid, and thereupon, the title to any property so taken shall be vested in fee simple in such city or town.

SEC. 18. When the ordinance under which said improvement is ordered to be made shall not provide that such improvement shall be made wholly by special assessment upon property benefited, the whole amount of such damages and costs, or such part thereof as shall not be assessed upon property benefited shall be paid from the general fund of such city or town, and if sufficient funds therefor are not already provided, such city or town shall levy and collect a sufficient sum therefor as part of the general taxes of such

city or town, or may contract indebtedness by the issuance of bonds or warrants therefor as in other cases of internal improvements.

SEC. 19. When such ordinance under which said improvements shall be ordered shall provide that such improvement shall be paid for in whole or in part by special assessment, or special taxation of property benefited thereby, the damage and costs awarded, or such part thereof as is to be paid from special taxation or special assessment, shall be levied, assessed and collected in the manner hereinafter provided.

SEC. 20. Such city may file in the same proceeding a <sup>Supplementary</sup> petition praying the Court that an assessment be made for the purpose of raising an amount necessary to pay the compensation and damages which may or shall have been awarded for the property taken or damaged, with costs of the proceedings, or for such part thereof as the ordinance shall provide. The said Court shall have power at any time after such supplementary petition shall have been filed, to appoint three commissioners to make such assessment and also to ascertain and include therein, as near as may be, the costs incurred to the time of such appointment and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said compensation.

SEC. 21. Upon the filing of such petition the Court shall appoint three competent persons as commissioners, who shall take and subscribe an oath substantially as follows, to-wit:

"State of Washington, County of....., ss.

Oath of three  
Commissioners.

"We, the undersigned Commissioners appointed by the Superior Court of.....County, State of Washington, to assess the cost of.....(here state in general terms the improvement), do solemnly swear (or affirm, as the case may be) that we will a true and impartial assessment make of the cost of said improvement upon the City of.....and the property benefited by such improvement, to the best of our ability and according to law."

SEC. 22. It shall be the duty of the Superior Judge and such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be especially benefited thereby, and to estimate what proportion, if any, of the total cost of such improvements will be of benefit to the public and what

Duty of Superior Judge.

Examination  
of ground not  
necessary.

proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city and such property, so that each shall bear its relative equitable proportion; and having found said amounts to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, That no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited, nor shall any lot, block, tract or parcel of land which shall have been found by the jury or Court to be damaged be assessed for any benefits: *And provided further*, That it shall not be necessary for said commissioners to examine the locality excepting where the ordinance provides for the establishment, opening, widening or improvement of streets, avenues, alleys or highways. Such part of the compensation, damages and costs as is not finally assessed against property benefited shall be paid from any general funds of the city or town applicable thereto.

Assessment  
roll.

SEC. 23. Such commissioners shall also make, or cause to be made an assessment roll, in which shall appear the names of the owners so far as known, description of each lot, block, tract or parcel of land and the amount assessed as special benefits thereto, and in which they shall set down as against the city the amount they shall have found as public benefit, if any, and certify such assessment roll to the Court by which they were appointed within sixty days after their appointment, or within such extension of said period as shall be allowed by the Court.

Hearing.

SEC. 24. After the return of such assessment roll the Court shall make an order setting a time for the hearing thereof before the Court, which day shall be at least twenty days after the return of such roll. It shall be the duty of such commissioners to give notice of such assessment and of the day fixed by the Court for the hearing thereof in the following manner:

1. They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice substantially in the following form:

Form.

"Mr. ...., your, (here give a short description of the premises) is assessed \$. .... for public improvement. Hear-

ing on the assessment roll will be had before the Superior Court of.....County.....(here give date.)

.....  
 .....  
 .....

Commissioners."

2. They shall cause at least ten days' notice to be given <sup>Ten days notice.</sup> by posting notice in at least three public places in such city, one of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in such city, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city and a weekly newspaper is published therein, then at least twice, being once in each week for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city, then in a newspaper published in the County in which such city is situated, which notice may be substantially as follows:

**SPECIAL ASSESSMENT NOTICE.**

"Notice is hereby given to all persons interested that the City Council (or other Legislative authority) of..... having ordered that (here insert the description and nature of improvements substantially as in the ordinance) have applied to the Superior Court of.....County for assessment of the cost of said improvements according to benefits, and an assessment thereof having been made and returned to said Court, the final hearing thereon will be had before said Court on the..... day of....., A. D. 19..... All persons desiring may then and there appear and make their defense.

.....  
 .....  
 .....

Commissioners."

SEC. 25. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said Court, stating that they have sent, or caused to be sent, by mail, to the owners whose premises have been assessed and whose names and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who posted the notice required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavit shall be received as *prima facie* evidence of a compliance with this act in regard to <sup>Affidavits of posting notice.</sup>

giving such notices. They shall also file a certificate of publication of such notice in like manner as is required in other cases of publication of summons.

**Jurisdiction  
of Court.**

SEC. 26. If ten days shall not have elapsed between the first publication or the posting of such notices and the day set for hearing, the hearing shall be continued until such time as the Court shall order. The Court shall retain full jurisdiction of the matter, until final judgment on the assessments, and if the notice given shall prove invalid or insufficient the Court shall order new notice to be given.

**Filing of  
objections.**

\*SEC. 27. Any person interested in any real estate to be affected by such assessment may appear and file objections to such report, and the Court may make such rule or order in regard to the time of filing such objections as the Court shall deem proper. As to all lots, blocks, tracts and parcels of land, to the assessment of which objections are not filed within the time specified by said notices, default may be entered and the assessment confirmed by the Court.

**Evidence.**

**Hearing—  
how con-  
ducted.**

SEC. 28. On the hearing, the report of such commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, tried by the Court without a jury, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the costs of the improvement, the Court shall so find, and also find the amount in which said premises ought to be assessed, and the judgment shall be entered accordingly.

**Changes in  
assessment.**

SEC. 29. The Court before which any such proceedings may be pending shall have authority at any time before final judgment to modify, alter, change, annul or confirm any assessment returned as aforesaid, or cause any such assessment to be recast by the same commissioners, whenever it shall be necessary for the obtainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed for the purpose of making such assessment or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be



necessary, continue the application for that purpose as to the whole or any part of the premises.

SEC. 30. The judgment of the Court shall have the effect of a separate judgment as to each tract or parcel of land assessed, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. Such judgment shall be a lien upon the property assessed from the date thereof until payment shall be made. <sup>Judgment a lien—till when.</sup>

SEC. 31. The clerk of the Court in which such judgment is rendered shall certify a copy of the assessment roll and judgment to the treasurer of the city, or if there has been an appeal taken from any part of such judgment then he shall certify such part of the roll and judgment as is not included in such appeal, and the remainder when final judgment is rendered. Such judgment and copy of assessment roll shall describe the lots, blocks, tracts or parcels of land assessed and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be sufficient warrant to the city treasurer to collect the assessment therein specified. <sup>Assessment roll to be certified.</sup> <sup>Judgment—what to describe.</sup>

SEC. 32. The treasurer receiving such certified copy of the assessment roll shall immediately give notice thereof by publishing such notice at least once in the official newspaper or newspapers of such city or town, if such newspaper or newspapers there be; and if there be no such newspaper, then by posting four notices thereof in public places along the line of the proposed improvement; such notice may be substantially in the following form: <sup>Treasurer to give notice—when.</sup>

**"SPECIAL ASSESSMENT NOTICE.**

Public notice is hereby given that the Superior Court of .....County, State of Washington, has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in my office, and that the undersigned is authorized to collect such assessments. <sup>Form.</sup> All persons interested are hereby notified to call and pay the amounts assessed at my office (here insert location of office) within sixty days from the date hereof.

"Dated this.....day of.....A. D. 19.....

"City (or town) Treasurer of....."

SEC. 33. It shall be the duty of the city treasurer into whose hands such judgment for assessment shall come, to inform the persons whose names appear on the assessment <sup>Duty of City Treasurer.</sup>

roll of such assessment by written or printed notice deposited in the mail, postage prepaid, and addressed to such persons so far as the residences of such persons are known to him, requesting payment of the same. Any such treasurer omitting so to do shall be liable to a penalty of five dollars for every such omission; but the validity of the special assessment shall not be effected by such omission. It shall be the duty of such treasurer to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and postoffice address of the person making the payment and date of payment. The owner shall annually notify the treasurer of his address and it shall be the duty of the treasurer to mail the notice above provided for to such address.

SEC. 34. Within fifteen days from the expiration of the time limited for the payment of any such assessments the treasurer must return the improvement assessment roll to the comptroller, if there be such officer of the city or town, otherwise to the city or town clerk, distinguishing thereon the assessments paid and those unpaid. The comptroller or clerk, as the case may be, shall, upon receipt of said roll, credit the treasurer with amount of the assessments collected thereon, and thereupon issue and annex thereto a warrant directing the treasurer to sell all the lots or parcels of land described in said roll upon which assessments are levied, whether in the name of a designated owner or in the name of an unknown owner, to satisfy all delinquent and unpaid assessments upon said roll, with costs and charges. On the day of the commencement of the sale of said real property in pursuance of such warrant, a penalty of ten per cent on the principal amount of every unpaid assessment on said improvement assessment roll shall accrue to such assessment, and must then and thereafter be collected therewith, together with the interest to accrue as herein provided.

10 per cent.  
penalty to  
accrue—when

SEC. 35. Such warrant issued for the purpose of making sale of said real property on which assessments are delinquent and unpaid, shall be deemed and taken as an execution against said real property for the amount of said assessments with penalty and costs, and the treasurer or his deputy shall, within sixty days from the receipt thereof by him, commence the sale of said real property and continue such sale from day to day thereafter, except on Sundays and legal holidays, until all the lots and parcels of land described in said assessment

Execution.

roll on which any such assessment is delinquent and unpaid are sold. Such sale shall take place at the front door of the building in which the city council, or other legislative body, holds its sessions. The treasurer shall give notice of such sales by publishing a notice thereof once in each week for three consecutive weeks in the official newspaper or newspapers of the city, or if there be no such newspaper, then by publishing the same for said period in some newspaper published in the same County in which the city is situated or if no such newspaper be published in such County, then in some newspaper published in the State of general circulation in such County. Such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of the assessment, penalty and costs of sale, including cost of advertising due upon each of such lots or parcels of land, together with the names of the owners thereof, or the words "unknown owners" as the same may appear upon said improvement assessment roll, and shall specify the time and place of sale and that the several lots and parcels of land therein described will be sold to satisfy the assessment, penalty and costs due upon each. All of such sales shall be made between the hours of ten o'clock A. M. and four o'clock P. M. Each lot or parcel of land shall be sold separately and in the order in which the same appears on the improvement assessment roll commencing at the head thereof. If there be no bidder for any lot or parcel of land of a sum sufficient to pay the delinquent assessment thereon, with penalty and costs, the treasurer shall strike the same off to the city for the whole amount which he is required to collect by such sale.

Treasurer's  
notice—what  
to show.

Sales—when  
to be made.

SEC. 36. All lots and parcels of land sold for delinquent improvement assessments, shall be sold to the person at such sale offering to pay the amount due on each tract or lot for the least quantity thereof to be taken from the east side of such tract or lot, and the remainder thereof shall be discharged from the lien. After receiving the amount of the assessment, penalty, cost and charges, the treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the name of the street or other brief designation of the improvement for which the assessment was made, and

Sales for de-  
linquent  
assessments.

Treasurer  
to sign  
certificate.

specifying that the purchaser will be entitled to a deed in two years from the date of sale unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the County Auditor of the County in which the lands are situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrances for value and in good faith who become such while the same is unrecorded.

Limit of time  
to pay  
assessment.

SEC. 37. If any bidder to whom any lot or parcel of land is stricken off does not pay the assessment, penalty and costs before ten o'clock A. M. of the day following the day of such sale, such lot or parcel of land must then be resold, or if the assessment sale is closed, be deemed to have been sold to the city or town, and the certificate of purchase shall be issued to the city therefor.

Custodian of  
certificates.

SEC. 38. The city comptroller, if there be such officer, and if not then the city or town clerk, shall be the custodian of all certificates for lots or parcels of land sold to the city, and shall at any time within two years from the date of such certificate, and before redemption of the lot or parcel of land therein described, sell and transfer any such certificate to any person who will pay to him the amount for which the lot or parcel of land therein described was stricken off to the city with interest subsequently accrued thereon, and the treasurer may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such two years from the date of the certificate.

Returns of  
treasurer to  
comptroller.

SEC. 39. Within ten days after the completion of the sale of all lots and parcels of land described in such improvement assessment rolls, and authorized to be sold as aforesaid, the treasurer must make return to the comptroller, or other officer by whom the warrant was issued, of said assessment roll, with a statement of his doings thereon, showing all lots and parcels of land sold by him, to whom sold and the sum paid therefor.

Purchaser, to  
acquire lien.

SEC. 40. The purchaser at such sale acquires a lien on the lot or parcel of land sold for the amount paid by him at such sale as well as for all taxes and special assessments and all interest, penalties, costs and charges thereon, whether levied previously or subsequently to such sale, and whether for State, County, city or town purposes, subsequently paid

by him on the lot or parcel of land, and shall be entitled to interest at the rate of fifteen per cent per annum on the original amount paid and such subsequent payments from the date of the respective payments.

SEC. 41. Every lot and parcel of land sold for an improvement assessment shall be subject to redemption by the former owner, or his grantee, mortgagee, heir or other representative within two years from the date of the sale upon payment to the treasurer for the purchaser of the amount for which the same was sold, with interest at the rate of fifteen per cent per annum together with all taxes and special assessments and interest, penalties and charges thereon paid by the purchaser on such lot or parcel of land since such sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof shall be lodged with the treasurer, redemption may be made without including the same. On any redemption being made the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received from such redemption to the purchaser or his assigns. Should no redemption be made within the period of two years the treasurer shall, on demand of the purchaser or his assigns, and the surrender of the certificate, execute to him a deed for the lot or parcel of land therein described.

*Provided*, That no such deed shall be executed until the holder of such certificate shall have notified the owner of said lots or parcels of land that he holds said certificate and that he will demand a deed therefor; and if, notwithstanding said notice, no redemption be made within sixty days from the date of the service or first publication of said notice, said holder shall be entitled to said deed. Said notice shall be given by personal service upon said persons if a resident of the County and not previously personally served in the action or by publication in a weekly newspaper, published in said city, once in each week for three successive weeks, if no newspaper be published in said city, then publication shall be made as provided in section 24 of this act. Such notice and return thereto, with the affidavit of the person claiming said deed stating that said service was made, shall be filed with the treasurer. Such deed shall be executed only for the lot or parcel of land named in the certificate, and after payment of all subsequent taxes and special assessment thereon. The deed shall be executed in the name of the city by which the

Redemption  
of land.

Deed—when  
to be issued.

Deed in  
whose name.

improvement is made; shall recite in substance the matters contained in the certificate, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such. The deed shall be *prima facie* evidence that the property was assessed as required by law; that the assessment was not paid; that the property was sold as required by law; that it was not redeemed; that notice had been given, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment, inclusive, up to the execution of the deed.

Separate fund  
of moneys  
collected.

SEC. 42. All moneys collected by the Treasurer upon assessments under this act shall be kept as a separate fund and shall be used for no other purpose than the redemption of warrants or bonds drawn or issued against the fund.

Marginal  
entries by  
Treasurer.

SEC. 43. Whenever before sale of any lot or parcel of land the amount of any assessment thereon, with penalty and costs accrued thereon, shall be paid to the treasurer, he shall thereupon mark the same paid, with the date of payment thereof on the assessment roll, and whenever after sale of any lot or parcel of land for any assessments, the same shall be redeemed, he shall thereupon enter the same redeemed with the date of such redemption on such record. Such entry shall be made on the margin of the record opposite the description of such lot or parcel of land.

Liability of  
Treasurer.

SEC. 44. If the Treasurer shall receive any moneys for assessments, giving a receipt therefor, for any lot or parcel of land and afterwards return the same as unpaid, or shall receive the same after making such return, and the same be sold for assessment which has been so paid and receipted for by himself or his clerk or assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and a penalty of fifteen per centum additional thereto besides legal interest, to be demanded within two years from the date of the sale and recovered in any Court having jurisdiction of the amount, and the city shall in no case be liable to the holder of such certificate.

Annulment  
of assess-  
ment.

SEC. 45. If any assessment be annulled or set aside by any Court, or be invalid for any cause, a new assessment may be made, and return and like notice given and proceedings had as herein required in relation to the first; and all

parties in interest shall have the like rights, and the city council or other legislative body, and the Superior Court, shall perform the like duties and have like power in relation to any subsequent assessment as are hereby given in relation to the first assessment.

SEC. 46. All the assessments levied by any city under this act shall, from the date of the assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such assessments are paid; if any proceedings taken for the enforcement thereof, shall be held void or invalid, such city shall provide by ordinance for new proceedings and a new sale for the enforcement thereof in like manner as hereinbefore provided; and in addition to the remedy hereinbefore provided, any city may enforce such lien by civil action in any court of competent jurisdiction in like manner and with like effect as actions for the foreclosure of mortgage.

SEC. 47. If any street, avenue, or alley, or the right to use and control the same for purposes of public travel, shall belong to any city and such city shall establish a grade therefor, which grade requires any cut or fill, damaging abutting property, the damages to arise from the making of such grade may be ascertained in the manner provided in this act, but such city may provide that the compensation to be made for such damage, together with the accruing costs, shall be added to the cost of the labor and material necessary for the grading thereof, and shall be paid by assessment upon the property within the local assessment district defined by law or the charter or ordinances of such city in the same manner and to the same extent as other expenses of such improvement are assessed and collected. In such cases it shall not be necessary to procure the appointment of commissioners to take the other proceedings herein provided for making such assessments, but all the proceedings for the assessment and collection of such damages and costs, shall, if so ordained by such city, be governed by the charter provisions, law or ordinances in force in such city for the assessment and collection of the cost of such improvements upon property locally benefited thereby: *Provided, however,* That this section shall apply only to the original grading of such street, avenue or alley.

SEC. 48. At any time within two months from the date of rendition of the last judgment awarding compensation for

any such improvement in the Superior Court, or if any appeal be taken, then within two months after the final determination of the appeal in the Supreme Court, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in Court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceedings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Proceedings  
may be  
discon-  
tinued—when.

Possession.

SEC. 49. If any city or town shall desire to take possession of any property or do any damage or proceed with any improvement, the compensation for which is to be paid for in whole or in part by the proceeds of special assessment under this act, it may advance from its general funds, or any moneys available for the purpose, the amount of the assessments aforesaid, and pay the same to the owner or into Court as herein provided, reimbursing itself for moneys so advanced from the special assessments aforesaid. If there be no funds available for the purpose, such city may contract indebtedness for the purpose of raising funds therefor, which indebtedness shall be contracted and such proceedings taken therefor as is provided by law for indebtedness contracted for other internal improvements.

City may,  
contract debt.

Jury may be  
waived.

SEC. 50. In any proceedings under this act wherein a trial by jury is provided for, the jury may be waived as in other civil cases in Courts of record in the manner prescribed by law, and the matter may be heard and determined without the intervention of a jury. Whenever an attempt is made to take private property, for a use alleged to be public under authority of this act, the question whether the contemplated use be really public shall be a judicial question and shall be determined as such by the Court before inquiry is had into the question of compensation to be made. When a jury is required for the determination of any matter under this act, such jury may be the same jury summoned for the trial of ordinary civil actions before the Court, or the Court may, in its discretion, issue a venire to the Sheriff to summon as jurors such number of qualified persons as the Court shall deem sufficient. Except as herein otherwise provided, the practice and procedure under this act in the Superior Court, and in relation to the taking of appeals and prosecution there-

Procedure  
same as in  
civil actions.



of, shall be the same as in other civil actions, but all appeals must be taken within thirty days from the date of rendition of the judgment appealed from. Proceedings under this act shall have precedence of all cases in Court except criminal cases.

SEC. 51. Whenever the word "person" is used in this act <sup>Word "person" defined.</sup> the same shall be construed to include any company, corporation or association the State or any County therein and the words "city" or "town" wherever used shall be construed to be either.

SEC. 52. If any city has heretofore taken or shall hereafter take possession of any land or other property, or has damaged or shall hereafter damage the same for any of the public purposes mentioned in this act, or for any other purpose within the authority of such city or town, without having made just compensation therefor, such city or town may cause such compensation to be ascertained and paid to the persons entitled thereto by proceedings taken in accordance with the provisions of this act, and the payment of such compensation and costs as shall be adjudged in favor of the persons entitled thereto in such proceedings shall be a defense to any other action for the taking or damaging of such property.

SEC. 53. All actions which may now be pending in any Court under existing laws, which this act in any manner <sup>Pending actions.</sup> supersedes or repeals, shall proceed without being in any manner affected by the passage of this act.

SEC. 54. An emergency exists and this act shall take effect <sup>Emergency.</sup> immediately.

Passed the House February 9, 1905.

Passed the Senate February 23, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 56.

(H. B. No. 92)

## AMENDING THE CODE OF PUBLIC INSTRUCTION, RELATIVE TO UNIFORM SYSTEM OF PUBLIC SCHOOLS.

AN ACT to amend Sections 23, 137, 145 and 175 of an act entitled, "An act to establish a general, uniform system of public schools in the State of Washington, and repealing Chapter VI of Title III, Chapter VII of Title V, all of Title X except Chapter XVII, Chapter IV of Title L, all being of Volume I of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled, 'An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another; approved March 9, 1893; also repealing an act entitled, 'An act to provide for the management and control of State Normal Schools in the State of Washington,' approved March 10, 1893, and all amendments thereto; also repealing an act entitled, 'An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency,' approved February 26, 1895; also repealing an act entitled 'An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school district voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor,' approved March 1, 1895; also repealing an act entitled, "An act to provide for the formation of joint school districts and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency,' approved March 13, 1895;" said act of which this act is amendatory, being known and cited as the Code of Public Instruction of the State of Washington, and being Chapter CXVIII of the Session Laws of 1897, approved March 19, 1897.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section twenty-three (23) of the Code of Public Instruction of the State of Washington be amended

to read as follows: Section 23. The Superintendent of Public Instruction is hereby authorized to appoint an Assistant Superintendent of Public Instruction, who shall be the holder of not less than a first grade certificate; a Deputy Superintendent of Public Instruction, who shall be the holder of not less than a first grade certificate who shall also act as an inspector of schools; a stenographer, and also to employ such other assistance as the needs of his office shall require from time to time, and for the payment of whose services appropriations shall have been made by the Legislature of this State.

Superintendent to appoint an assistant and deputy.

SEC. 2. That section one hundred and thirty-seven (137) of the Code of Public Instruction be amended to read as follows: Section 137. The Teacher's certificates issued by authority of the State of Washington, and entitling the holder thereof to teach in the schools of the State shall consist of:

Certificates of teachers—of what to consist.

*First:* Life diplomas, valid during the life of the holder, and State certificates, valid for five years from the date of issue; said life diplomas and State certificates shall be issued by the Superintendent of Public Instruction on the authority of the State Board of Education: *Provided*, That State certificates may, upon application and without examination, be renewed, or a life diploma be authorized in lieu thereof by the State Board of Education.

Life diplomas.

*Second:* First grade common school certificates, valid for a period of five years from date of issue; second grade common school certificates, valid for two years from date of issue; third grade common school certificates, valid for one year from date of issue. Said first grade certificates, second grade certificates and third grade certificates shall be issued by the Superintendent of Public Instruction, as provided by law.

1st grade common school certificates.

*Third:* Temporary certificates may be issued, as provided by law, by any County Superintendent, entitling the holder thereof to teach in any common school of the County wherein the same is issued until the next regular examination of teachers, whereat, if the applicant take the examination for certification, the County Superintendent may extend the same until it shall have been determined whether a certificate is to be issued to the applicant in accordance therewith: *Provided*, That the Superintendent of Schools of any district embracing an incorporated city having a population of ten thousand or more inhabitants may issue a temporary certificate to any

Temporary certificates.

teacher who shall have been elected by the Board of Directors of such district; such temporary certificate shall be valid within such district until the end of any school year in which such certificate shall be issued: *Provided*, That only one such temporary certificate shall be issued to the same person.

Special  
certificates.

*Fourth.* Special certificates may be issued without examination by the County Superintendent to teachers of music, languages other than English, drawing and painting, manual training, penmanship and kindergarten training upon application of any Board of Directors, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said Board of Directors, until revoked for cause: *Provided*, That the County Superintendent, before issuing the same, shall receive satisfactory evidence of the applicant's fitness to teach the subject for which he has made application for certificate.

Applicants  
for examina-  
tion.

What  
branches to  
take.

SEC. 3. That section one hundred and forty-one (141) of the Code of Instruction be amended to read as follows: Section 141. All applicants at the examination mentioned in the preceding section shall be at least eighteen years of age, and shall be examined according to the rules and regulations of the State Board of Education in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and Constitution of the United States, school law and the Constitution of the State of Washington, and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of physics, English literature and algebra, and who does not present satisfactory written evidence of having taught successfully one school year of nine months: *Provided*, That the State Board of Education may adopt two subjects in lieu of algebra, and physics for teachers who have taught exclusively in primary schools for not less than fifty months and the certificates granted to such primary teachers shall be known as first grade primary certificates, and shall entitle the holder to teach only in the primary grades of city and village schools. The State Superintendent shall also have power to grant common school certificates without examination of all applicants who are graduates of a regular four year collegiate course of the University of Washington, the Agricultural College and School of Science, State Normal School equal in requirements to the State Normal School of

Washington, or other reputable institutions of learning whose requirements for graduation are equal to the requirements of the University of Washington; also to all applicants who hold State certificates or diplomas equal in requirements to the requirements of the State of Washington: *Provided*, That an applicant shall pass an examination in State school law and Constitution with a standing required for a first grade certificate: *Provided further*, That the provisions of this section shall not apply to the holders of diplomas from institutions of learning unless the name of the institution granting such diploma shall be found upon the accredited list provided for in the fifth subdivision of section twenty-seven of the Code of Public Instruction of this State, nor shall they apply to holders of State certificates or life diplomas from States whose names are not found upon the accredited list provided for in the section above mentioned.

Name of applicant to appear on accredited list.

SEC. 4. That section one hundred and forty-five (145) be amended to read as follows: Section 145. All applicants for certificates who shall attain the required per centage in eight of the designated subjects, but not in all, shall be credited for those subjects in which they shall have passed, and upon passing the required percentages in the remaining subjects at the next subsequent examination, shall receive a certificate in accordance with the result of both examinations.

SEC. 5. That section one hundred and seventy-five (175) be amended to read as follows: Section 175. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for the minimum time required by law during the preceding school year and which has not in the preceding year (after June 30, 1906) levied a tax of at least three (3) mills on the dollar on the taxable property of the district: *Provided*, The last preceding provision shall not apply to districts that have maintained school for more than six months during the preceding school year; *Provided further*, That any new district formed by the division of an old one and which new district shall have maintained at least one month's school during the preceding school year, as shown by the last annual report of the County Superintendent on file in the office of the Superintendent of Public Instruction, shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least the minimum time

Apportionment of school moneys.

Not applicable to certain districts.

Levy of  
special tax.

required by law in the old district; *And be it still further provided*, That if any school district has heretofore failed to receive apportionment of State school funds because of a failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to said failure, a special tax shall be levied on the property of the district, the proceeds of which tax shall be applied to the payment of its indebtedness.

Passed the House February 9, 1905.

Passed the Senate February 27, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 57.

(H. B. No. 164)

### AMENDING ACT RELATIVE TO CLEARING OUT AND IMPROVEMENT OF RIVERS AND STREAMS.

AN ACT to amend Section 4 of an act approved March 18, 1895, entitled, "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor," as amended by Chapter XXXI of the laws of 1897, approved March 4, 1897, entitled "An act to amend Section four of an act approved March 18, 1895, entitled 'An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor.'"

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section four of an act approved March 18, 1895, entitled "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor," as

amended by Chapter XXXI of the Laws of 1897, approved March 4, 1897, entitled, "An act to amend section four of an act approved March 18, 1895, entitled 'An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, and fixing maximum tolls therefor,'" be amended to read as follows: Section 4. Such corporation shall have power and is hereby authorized in any of the rivers and streams of this State, or the dividing waters thereof, to remove jams, roots, snags and rocks, improve and straighten the channel, build wing dams and sheer booms, construct dams and gates, or otherwise, for the purpose of storing water with which to produce artificial freshets and for the purpose of holding logs and other timber products and in all ways to improve such streams and rivers for the purposes herein mentioned and contemplated. *Provided*, That no such wing dam, sheer boom, dam with gate or otherwise, shall be so constructed, maintained or used as to in any manner obstruct or impede the outlet of such stream: *And provided further*, That if any such wing dam, sheer boom, dam with gate or otherwise shall be so constructed, maintained or used as to interfere with the use for any purpose of the waters of any stream so dam [dammed] or used, or any of its tributaries, or in any manner to injure or damage any lands adjacent to such stream or its tributaries, compensation for such interference with the use of such water and for any such injury or damage shall be first assessed and determined and the appropriation thereof may be made by the exercise of the power of eminent domain in the manner provided in section two of this act: *Provided, however*, That whenever the owners of more than one-half of the land lying alongside or abutting on any stream affected by the tide, proposed to be improved according to this act, shall file with the Board of County Commissioners of the County in which said river is situated a remonstrance against any improvements of so much of the stream as is affected by the tide, it shall then be unlawful for any corporation to take the land or any slough within the territory owned by any such remonstrancers: *Provided*, That such remonstrance shall be filed with said Board within fifteen days from the filing of said plat. Nothing in this act shall be construed to authorize

Corporate powers.

Assessment of damages.

Remonstrance

the taking or damaging of any power plant constructed or being constructed for the creation or utilization of water power.

Passed the House February 1, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 58.

(H. B. No. 248)

### CERTAIN CONTRACTS VOID UNLESS IN WRITING.

AN ACT amending Section 4576 of Ballinger's Annotated Codes and Statutes of Washington (same being Section 5343 of Pierce's Washington Code), relating to contracts and providing that certain contracts shall be void unless in writing.

*Be it enacted by the Legislature of the State of Washington:*

4576 Bal-  
lenger's Code.  
5343 Pierce's  
Code.

Amendment.

SECTION 1. That section 4576 of Ballinger's Annotated Codes and Statutes of Washington (same being section 5343 of Pierce's Washington Code), relating to contracts and providing that certain contracts shall be void unless in writing, be amended to read as follows: Section 4576. In the following cases, specified in this section, any agreement, contract and promise shall be void, unless such agreement, contract or promise, or some note or memorandum thereof, be in writing, and signed by the party to be charged therewith, or by some person thereunto by him lawfully authorized; that is to say: (1) Every agreement that by its terms is not to be performed in one year from the making thereof; (2) Every special promise to answer for the debt, default, or misdoings of another person; (3) Every agreement, promise or undertaking made upon consideration of marriage, except mutual promises to marry; (4) Every special promise made by an executor or administrator to answer damages out of his own estate; (5) An agreement authorizing or employing an agent or broker to sell or purchase real estate for compensation or a commission.

Passed by the House February 21, 1905.

Passed by the Senate February 28, 1905.

Approved by the Governor March 3, 1905.



## CHAPTER 59.

(H. B. No. 120)

## TO PROMOTE UNIFORMITY OF LEGISLATION.

AN ACT to establish a Board of Commissioners for the promotion of uniformity of legislation in the United States.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Within thirty days after this act takes effect the Governor shall appoint three suitable persons and they and their successors are hereby constituted "A Board of Commissioners for the Promotion of Uniformity of Legislation in the United States." Any vacancy in said Board shall be filled by appointment by the Governor. Governor to appoint, and fill vacancies.

SEC. 2. It shall be the duty of said Board to examine the subject of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills and other subjects upon which uniformity of legislation in the various States and Territories of the Union is desirable, but which are outside of the jurisdiction of the Congress of the United States; to confer upon these matters with the Commissioners appointed by other States and Territories for the same purpose; to consider and draft uniform laws to be submitted for approval and adoption by the several States; and generally to devise and recommend such other and further course of action as shall accomplish the purposes of this act. Duty of Board.

SEC. 3. The said Board of Commissioners shall keep a record of all its transactions, and shall, at each biennial session of the Legislature, and may at any other time, make a report of its doings and of its recommendations to the Legislature. Records of Board.

SEC. 4. No member of said Board shall receive any compensation for his services, but each member shall be repaid from the State treasury the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by said Board and by the State Auditor, and said Board shall keep a full account of its expenditures and shall report it in each annual report: *Provided*, That there shall be allowed Remuneration of members.

such expenses for only one annual meeting of the Commissioners within this State, and for only one Commissioner (to be designated by a majority of said Board or in case they cannot agree, by the Governor) in attendance not oftener than once in each year at any conference of the Commissioners from other States for the purposes stated, in section two, outside of this State.

Passed by the House February 14, 1905.

Passed by the Senate February 24, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 60.

(S. B. No. 87)

### ENABLING CITIES OF FIRST CLASS TO APPOINT A DEPUTY CORONER.

AN ACT to enable coroners of counties having a population of fifty thousand or more inhabitants to appoint a Deputy Coroner for such counties and prescribe his duties.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That in Counties having fifty thousand, or more, inhabitants, the Coroner thereof is hereby authorized and empowered to appoint one deputy, and take a bond or security from such deputy, not exceeding in amount the sum of \$1000.00, for his indemnity. Such appointment shall be in writing and signed by the Coroner.

Bond.

SEC. 2. Each deputy shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, in like form as required of the Coroners, which shall be filed in the office of the County Clerk.

Oath of office.

SEC. 3. Deputy Coroners, duly appointed and qualified, may perform any and all the duties of the Coroner in the name of the Coroner, and the acts of such deputy shall be held to be the act of the Coroner: *Provided*, That such deputy shall receive no compensation from the County.

No compensation.

Passed by the Senate February 17, 1905.

Passed by the House March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 61.

(S. B. No. 188)

## PROVIDING FOR THE IRRIGATION, IMPROVEMENT AND SALE OF GRANTED LANDS.

AN ACT providing for the irrigation, improvement and sale of lands granted to the State of Washington for any and all purposes and uses.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Commissioner of Public Lands of the State of Washington, be and is hereby authorized and empowered to receive and file proposals, and to enter into contract as herein provided, for the construction of irrigation works to reclaim any and all of the lands granted to the State of Washington for any and all purposes and uses.

SEC. 2. Any person, company or association of persons or incorporated company doing business in the State of Washington desiring to construct ditches, canals or other irrigation works for the reclamation of said lands, shall file with the Commissioner of Public Lands, proposal to construct the ditches, canals or other irrigation works necessary to the complete reclamation of said lands. The proposal shall be prepared in accordance with the rules adopted by the Commissioner of Public Lands. It shall state the source of water supply, the location and dimension of the proposed works, the location and character of the land proposed to be irrigated, the price per acre at which perpetual water right will be sold to settlers on the land to be irrigated, and shall be accompanied by maps, plans and specifications of the proposed works and land to be irrigated, which shall be considered a part of the proposal. In the case of incorporated companies it shall state the name of the company, the purpose of its incorporation, the names and places of residence of its trustees and officers, the amount of its authorized and of its paid up capital. If the applicant is not an incorporated company, the proposal shall set forth the name or names of the party or parties and such other facts as will enable the Commissioner of Public Lands to determine his or their financial ability to carry out the proposed undertaking.

Certified  
check to ac-  
company each  
proposal.

SEC. 3. A certified check for a sum not less than two hundred and fifty dollars (\$250.00) nor more than two thousand five hundred dollars (\$2500.00), as may be determined by the Commissioner of Public Lands, shall accompany each such proposal, the same to be held as guarantee of the execution of the contract with the State, in accordance with its terms by the party submitting such proposal. In case of the approval of the same and the acceptance of the proposal by the Commissioner of Public Lands, and to be forfeited to the State in case of the failure of said party to enter into a contract with the State in accordance with the provisions of this act.

Duty of Land  
Commissioner  
upon receipt  
of proposal.

SEC. 4. Immediately upon the receipt of any proposal as designated in section 2, it shall be the duty of the Commissioner of Public Lands to examine the same and ascertain if it complies in form with the rules adopted by him as provided in section 2. If it does not it is to be returned for correction; and if not corrected within sixty days, it may be rejected by the Commissioner of Public Lands. The Commissioner of Public Lands shall determine whether or not the proposed works are feasible and the water provided is adequate, and whether the proposed irrigation works described in the maps, plans and specifications, are adequate for the irrigation of the lands intended to be irrigated. When a request or proposal is not approved by the Commissioner of Public Lands, he shall notify the party making such request or proposal of his disapproval thereof, and the party so notified shall have sixty days in which to make a satisfactory proposal, but the Commissioner of Public Lands may, at his discretion, extend the time six months.

Approval of  
plans—con-  
tract.

SEC. 5. If the plans and specifications for the proposed irrigation works and the furnishing of a perpetual water supply for the irrigation of said lands is approved by the Commissioner of Public Lands, the said Commissioner of Public Lands is authorized and empowered to enter into a contract with the party submitting the proposal, which contract shall contain complete specifications of the location, dimensions and character of the proposed ditch, canal or other irrigation work; the price per acre at which perpetual water rights shall be sold to the settler or owner, which price may be paid in a lump sum or in ten annual payments, as the settler or owner may elect; the amount of water to be supplied and the price of the annual maintenance fee per acre:

*Provided*, That no contract under the provisions of this act shall be entered into by the Commissioner of Public Lands until the same shall have been approved by the Attorney General and the Governor.

SEC. 6. No contract shall be made by the Commissioner of <sup>Time of contract.</sup> Public Lands which requires greater time than three years for the construction of the works and such additional time as may be granted by the Commissioner of Public Lands not to exceed two years, and all contracts shall state that the work shall begin within six months from the date of the contract; at least one-tenth of the construction work shall be completed within twelve months from the date of said contract, and the construction of said works shall be prosecuted with reasonable diligence to completion. The Commissioner of Public Lands shall, before letting any contract for the construction of any works herein provided for, require the contractor to enter into a bond to the State of Washington <sup>Bond of contractor.</sup> in the penal sum of not less than twenty per cent of the estimated cost of the works, conditioned for the faithful performance of the terms and conditions of said contract.

SEC. 7. Upon the failure of any party having a contract <sup>Failure to begin work—  
forfeiture.</sup> with the State for the construction of irrigation works, to begin the same within the time specified by the contract, or to complete the same within the time specified by the contract, or to complete the same within the time or in accordance with the specifications of the contract with the State, it shall be the duty of the Commissioner of Public Lands to give such party written notice of such failure and if, after a period of sixty days from the giving of such notice, such party shall have failed to proceed with the work or to conform with the specifications of his contract with the State the bond and contract of such party and all work constructed under such contract shall be at once and thereby forfeited to the State, and it shall be the duty of the Commissioner of Public Lands at once so to declare and to give notice once each week for a period of four weeks in some newspaper of general circulation in the County in which the work is situated, and in one newspaper at the State Capital in like manner and for a like period, that upon a day fixed, proposals will be received at the office of the Commissioner of Public Lands for the purchase of the incompleted works and for the completion of said contract, the time for receiving said bids to be at least sixty days subsequent to the issuing of the last notice of

Application of  
money  
received.

forfeiture. The money received from the sale of partially completed works, under the provisions of this section, shall first be applied to the expenses incurred by the State in their forfeiture and disposal and to satisfy the bond, and the surplus, if any exists, shall be paid to the original contractor with the State. Whenever after the completion of said irrigation works any contractor or his successors or assigns shall fail to furnish an adequate amount of water to irrigate the lands of water right owners or there shall exist other cause as provided by law for the appointment of a receiver, the Attorney General may apply for the appointment of a receiver to take possession of the irrigation works and canal and other property of such party and manage, operate, sell or dispose of same. Such application shall be made to the Superior Court of the County in which the whole or some portion of the irrigation works or canal of such party is situated; and the Court or its receiver by order of the Court shall have and may exercise such powers as to the possession, management, operation, sale or disposition of the property and works of such party as is provided by the law relating to receivers: *Provided*, That nothing herein contained shall be taken or construed as limiting the right of any party to have a receiver appointed as is in other cases provided by law.

Appointment  
of receiver.

State not to  
be obligated.

SEC. 8. Nothing in this act shall be construed as authorizing the Commissioner of Public Lands to obligate the State to pay for any work constructed under any contract or to hold the State in any way responsible to settlers for the failure of contractors to complete the work according to the terms of their contracts with the State.

Application  
to purchase  
irrigable  
lands.

SEC. 9. Whenever application has been made to the Commissioner of Public Lands for the purchase of any of the irrigable lands described in this act as provided by law, the said application shall be accompanied by the sworn statement of the applicant that he is ready and willing to enter into contract with the person, company, or association of persons, or incorporated company, who have been authorized by the Commissioner of Public Lands to furnish water for the reclamation of said lands, which statement shall be filed with said application, and the Commissioner of Public Lands may thereupon proceed to the appraisalment, advertisement and sale of said lands as provided by law. In case of the sale of any lands to any party pursuant to the appraisalment and advertisement thereof, the Commissioner of Public Lands

shall not issue a contract therefor until there shall have been filed in his office a certified copy of a contract for a perpetual water right for said lands made and entered into by the party purchasing the same with the person, company or association of persons, or incorporated company, who have been authorized by the Commissioner of Public Lands to furnish water for the reclamation of said lands.

Perpetual  
water right.

SEC. 10. The water right to all land acquired under the provisions of this act shall attach to and become appurtenant to the land. Any person, company or association of persons, or incorporated company furnishing water for any tract of land shall have a prior lien on said water right and land upon which said water is used for all deferred payments for said water right and for any maintenance fee due, said lien to be in all respects prior to any other lien or liens created or attempted to be created by the owner or possessor of said land; said lien to remain in full force and effect until the last deferred payment for the water right is fully paid and satisfied according to the terms of the contract under which said water right was acquired and until all delinquent maintenance fees are fully paid. The contract for the water right upon which the aforesaid lien is founded shall be recorded in the office of the County Auditor of the County where the land is situated. Upon default of any of the deferred payments secured by any lien under the provisions of this act or maintenance fee, the person, company or association of persons, or incorporated company holding or owning said lien, may foreclose the same according to the conditions and terms of the contract granting and selling to the settler or owner the water right and providing for a maintenance fee. All sales shall be advertised in a newspaper of general circulation, published in the County where said land and water right are situated, once a week for four consecutive weeks, and shall be sold to the highest bidder at the front door of the court house of the County, or such place as may be agreed upon by the terms of the contract. And the sheriff of said County shall in all such cases give notice of sale and shall sell such land and water right and shall make and deliver a certificate of sale to the purchaser, and at such sale no person, company or association of persons or incorporated company, owning or holding any lien shall bid in or purchase any land or water right at a greater price than the amount due on deferred payment or payments for

Water right  
appurtenant  
to land—  
prior lien.

Recording  
of contract.

Sales to be  
advertised.

Notice by  
Sheriff.

Redemption  
of land.

said water right and maintenance fee due and the costs incurred in making the sale of the land and water right. At any time within nine months after the foreclosure sale by the sheriff of the land and water right as aforesaid, the original owner, against whom the lien has been foreclosed, or any party entitled to redeem the land sold under execution may redeem the land and water right so sold in the same manner and order and under the same procedure as is or may be provided by law for the redemption of land sold under execution. The party redeeming said land and water right shall pay to the sheriff the amount for which said land and water right was sold and costs and increased costs, together with interest thereon at the legal rate, and all taxes and payments made subsequent to such foreclosure as well as all maintenance fees at the time of redemption with interest at like rate. If there be more than one redemption each successive redemption shall be made within six (6) weeks after the last preceding redemption. And where the lien holder becomes the purchaser at such foreclosure sale, and in no other case, if such land and water right be not redeemed by the original owner or other person entitled to redeem as above provided within nine (9) months then at any time within three (3) months after the expiration of such nine (9) months any person desiring to settle upon and use such land and water right may redeem the said land and water right in the manner hereinafter provided for redemption by the owner or other redemptioners. Where such land and water right are not purchased by the lien holder at such foreclosure sale the Sheriff shall pay out the proceeds of such sale as follows:

Proceeds—  
how paid.

*First:* He shall retain all charges, costs and fees for his services and account for the same as in civil cases.

*Second:* To lienholder or his assigns the amount of the lien together with all interest, costs and fixed charges thereon.

*Third:* The balance, if any remaining, to the person against whom such lien was foreclosed or his assigns.

When the period of redemption shall have expired the Sheriff or his successors in office shall execute a proper conveyance of the land and water right sold, to the party entitled thereto. The foreclosure herein provided for may be transferred to the Superior Court of the proper County in the



same manner and with like effect as foreclosures of chattel mortgages on notice may be transferred.

SEC. 11. The maps in the office of the Commissioner of Public Lands of the lands proposed to be irrigated under the provisions of this act, shall show the location of the canals or other irrigation works approved in the contract with the Commissioner of Public Lands, and all lands described therein belonging to the State of Washington shall be subject to the right of way of such canals, distribution system and irrigation works, such right of way to embrace the entire width of the canal, distribution and irrigation works and such additional width as may be required for their proper operation and maintenance.

SEC. 12. The Commissioner of Public Lands shall provide suitable rules for the filing of proposals for the construction of irrigation works. There shall be kept in the office of the Commissioner of Public Lands, for public inspection, copies of all maps, plats, contracts for the construction of irrigation works, and of the purchase of the land by settlers. He shall require from each person, company or association of persons, or incorporated company engaged in the construction of irrigation works under the provisions of this act, an annual report, to be submitted to him on or before November 1st, of each year. This report shall show the number of water rights sold, the number of users of water under said irrigation works, the legal subdivisions of land for which water is to be furnished, the names of the officers of the company, the acreage of land which the said irrigation works are prepared to supply with water, and such other data as the Commissioner of Public Lands may see fit to require.

SEC. 13. The Commissioner of Public Lands shall include in his biennial report to the Governor a report setting forth in detail the names, location and character of the irrigation works in process of construction, the acreage and legal subdivisions of land intended to be reclaimed and the terms of payment for water right sold.

SEC. 14. All suits or actions brought by the Commissioner of Public Lands under the provisions of this act, shall be instituted by him in the name of the State of Washington.

SEC. 15. Nothing in this act shall be construed as a repeal, amendment or modification in any respect of an act entitled, "An act to provide for the acceptance by the State

Maps, what  
to show.

Rules and  
regulations  
of Land  
Commissioner.

Report of  
Land Com-  
missioner to  
Governor.

Suits or  
actions.

of Washington from the United States of certain desert lands, and providing for the reclamation, occupation and disposal of the same, and declaring an emergency," approved March 16, 1903.

Passed the Senate February 17, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 62.

(S. B. No. 95)

### MAINTENANCE AND TRIAL OF ACTIONS BY PERSONS INJURED BY INTOXICATED PERSONS.

AN ACT amending Section 2945 of Ballinger's Codes and Statutes of Washington, and relating to the maintenance and trial of actions by persons injured in their persons, property, or means of support by intoxicated persons or in consequence of the intoxication of persons.

*Be it enacted by the Legislature of the State of Washington:*

2945  
Ballinger.

SECTION 1. That section 2945 of Ballinger's Codes and Statutes of Washington, relating to the maintenance of actions by persons injured in their persons, property, or means of support, by intoxicated persons, or in consequence of the intoxication of persons, be, and the same hereby is, amended to read as follows:

Right of  
action.

Section 2945. Every husband, wife, child, parent, guardian, employe, or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action, in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication of such person, for all damages sustained, and the same may be recovered in a civil action in any court of competent jurisdiction. On the trial of such action, the plaintiff or plaintiffs must prove that such intoxicating liquors were sold under circumstances sufficient to lead a man of ordinary intelligence to believe that such sale would prob-

ably result in intoxication. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use, and all damages recovered by a minor under this chapter shall be paid either to such minor or to such person in trust for him, and on such terms as the court may direct. In case of the death of either party, the action and right of action to or against his executor or administrator shall survive.

Passed the Senate February 8, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 63.

(S. B. No. 129)

### AMENDING ACT OF 1905 RELATIVE TO EXTERMINATION OF COYOTES AND WOLVES.

AN ACT to amend Sections 1, 2, 3 and 6 of an act entitled, "An act to provide for the extermination of coyotes and wolves in the State of Washington and for the payment of bounties for such extermination, and making an appropriation therefor," passed by the House notwithstanding the Governor's veto, January 24, 1905, passed by the Senate notwithstanding the Governor's veto January 26, 1905, and filed in the office of the Secretary of State January 27, 1905, and providing for the extermination of other wild animals and the payment of bounties therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 1 of an act entitled, "An act to provide for the extermination of coyotes and wolves in the State of Washington and for the payment of bounties for such extermination, and making an appropriation therefor," passed by the House notwithstanding the Governor's veto January 24, 1905, passed by the Senate notwithstanding the Governor's veto January 26, 1905, and filed in the office of the Secretary of State January 27, 1905, be and the same is hereby amended to read as follows: Section 1. Any person who shall kill and destroy any coyote, wolf, lynx, wild cat or cougar in the State of Washington shall be entitled to a <sup>Animals named and bounty thereon.</sup>

bounty therefor in the sum of one dollar (\$1.00) for each coyote or wolf killed, the sum of two dollars and fifty cents (\$2.50) for each lynx or wild cat killed, and the sum of five dollars (\$5.00) for each cougar killed.

Proof of  
killing.

SEC. 2. That section 2 of said act is hereby amended to read as follows: Section 2. Upon the production to the County Auditor of any County by any person of the scalp or scalps of any coyote, wolf, lynx, wild cat or cougar killed in such County, each of which scalps shall show two ears, eye-holes and skin to tip of nose, the County Auditor shall take proof by affidavit, that each such coyotes, wolves, lynx, wild cats or cougars was killed in such County, and thereupon it shall be the duty of such County Auditor to issue and deliver to such person his warrant on the current expense fund of such County for the sums hereinbefore provided, and shall take and preserve a voucher therefor showing the number of scalps so produced, the amount paid, and the date each of said animals was killed, which voucher shall be signed by the person to whom said bounty is paid.

Oath to  
County  
Auditor.

SEC. 3. That section 3 of said act is hereby amended to read as follows: Section 3. Any person claiming any such premium shall produce such scalp or scalps to the County Auditor of the County in which such coyote, wolf, lynx, wild cat or cougar shall have been killed, within three months after such killing, and shall take or subscribe the following oath before such Auditor or any other officer authorized to administer oaths: "I do solemnly swear that the scalp or scalps here produced by me this.....day of.....are of a coyote, wolf, lynx, wild cat or cougar (as the case may be, giving the number) killed in the County of....., State of Washington, and that said animal (or animals) was (or were) killed not prior to....." To which the Auditor or any other officer authorized to administer oaths shall append the usual jurat, subscribed by himself or deputy.

Penalty for  
violation.

SEC. 4. That section 6 of said act is hereby amended to read as follows: Section 6. Any person or persons offering for the purpose of obtaining said bounty, the scalp of any coyote, wolf, lynx, wild cat or cougar killed prior to the passage of this act, or that were killed outside of the boundaries of the State of Washington, shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than ten dollars, and of not more than fifty dollars, for the first conviction and for any subsequent conviction

for same offense shall be fined not less than one hundred dollars nor more than five hundred dollars for each such offense, together with all costs attending such suit, one-half of such fines to be paid to the informer and the other half into the general school fund of the County wherein such conviction was obtained.

SEC. 5. The Auditor, Treasurer and Chairman of Board of County Commissioners shall at least quarterly, check over the scalps on which bounties have been paid, and at such time, and in the presence of each other reduce said scalps to ashes. Destruction of scalps.

Passed the Senate February 8, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 64.

(S. B. No. 45)

### AMENDING ACT OF 1899 RELATIVE TO INCORPORATION OF CEMETERY ASSOCIATIONS.

AN ACT to amend Section 6 of an act entitled, "An act making provisions for the incorporation of cemetery associations, defining their powers, and prescribing a penalty for injury to their property," approved March 6, 1899.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 6 of an act entitled, "An act making provisions for the incorporation of cemetery associations, defining their powers, and prescribing a penalty for injury to their property," approved March 6, 1899 (same being section 3328 of Pierce's Code), be and the same is hereby amended to read as follows: 3328 Pierce.

Section 6. All such associations shall cause a plan of their grounds and of the blocks and lots by them laid out, to be made and recorded, such blocks and lots to be numbered by regular consecutive numbers, and shall have power to enclose, improve and adorn the grounds and avenues, to erect buildings for the use of the association and to prescribe rules for the designation and adorning of lots and for erect- Recording of ground plan.

Fee.

ing monuments in the cemetery, and to prohibit any use, division, improvement or adornment of a lot which they may deem improper. An annual exhibit shall be made of the affairs of the association. The plan, or plat, hereinbefore required, shall be recorded by the proper County Auditor for a fee not to exceed ten cents a lot, and if the actual cost of recording the same shall be less than ten cents a lot, then said Auditor shall record the same at the actual cost thereof.

Passed the Senate January 31, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 65.

(H. B. No. 198)

### TO AMEND STATE CONSTITUTION RELATIVE TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

AN ACT providing for the amendment of section 16 of Article one (1) of the Constitution of the State of Washington, relating to the exercise of the power of eminent domain.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1906, there shall be submitted to the qualified electors of the State for their adoption and approval an amendment of section sixteen (16) of article one (1) of the Constitution of the State of Washington so that the same shall read, and it is proposed that the same shall read, when so amended, as follows: Section 16. Private property may be taken, under such terms, conditions and limitations as shall be prescribed by the Legislature for drains, flumes, and ditches for agricultural, domestic and sanitary purposes, and for flumes, ditches, canals, reservoirs, or rights-of-way through on or across the lands or waters or property of others for mining, milling, manufacturing, irrigation and lumbering purposes, or for the removal of timber or timber products, and the appropriation and use of property for such

Amendment—  
Taking of  
private prop-  
erty for  
drainage  
purposes.

purposes are hereby declared to be public uses, even though such appropriation and use may inure to the special benefit of some private individual, firm, corporation or association: *Provided however*, That this declaration as to public uses shall not be construed to limit the right to appropriate property for other public uses. Private property shall not be taken for private use, except for private ways of necessity. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into Court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public, except to the uses which are herein declared to be public.

Other rights  
not limited  
hereby.

Private prop-  
erty not to be  
taken for  
private use.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every County where a newspaper is published throughout the State.

Publication  
of amend-  
ment, by  
Secretary of  
State.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to Section sixteen of Article one of the Constitution, relating to the exercise of the power of eminent domain;" "Against the proposed amendment to Section sixteen of Article one of the Constitution, relating to the exercise of the power of eminent domain."

Ballots—for  
and against  
same.

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the Governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been adopted and to

Proclamation  
by Governor.

have been a part of the Constitution of this State from the time of such proclamation.

Passed the House February 14, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 4, 1905.

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## CHAPTER 66.

(H. Sub. B. No. 115)

### AN ACT TO REGULATE PLUMBING AND CREATING A BOARD OF PLUMBING EXAMINERS.

AN ACT to regulate plumbing in cities having a population of ten thousand inhabitants or over, providing for the licensing of persons to carry on the business and work of plumbing, creating a Board of Plumbing Examiners, fixing the compensation of plumbing examiners, providing a penalty for the violation hereof and repealing all acts in conflict herewith.

*Be it enacted by the Legislature of the State of Washington:*

License.

SECTION 1. That any person, firm or corporation that is now or hereafter may be engaged in the business of plumbing in any city having a population of ten thousand inhabitants or more, either as master plumber or as a journeyman plumber, shall secure and hold a license therefor in accordance with the provisions of this act, and it shall be unlawful for any person to work at the trade of plumbing or to carry on the business of plumbing in any such city without complying with the provisions of this act.

Governor to  
appoint  
examining  
board.

SEC. 2. Within thirty days after this act shall take effect the Governor shall appoint a board of plumbing examiners consisting of three members. The members of said board shall be practical plumbers well versed in modern sanitary plumbing, sanitation and sewerage. The board shall consist of two master plumbers and one journeyman plumber, and the members of said board shall serve for a period of three years each from the date of their appointment: *Provided however*, The first board shall serve as follows: One member for one year, one member for two years, and one member for three years, and the Governor in making the



appointment shall designate the time that each member constituting the first board shall serve. Thereafter upon the expiration of the term of office of each member of the board, or when a vacancy occurs, the Governor shall make a new appointment for the full period of three years. The members of the said board shall be entitled to a compensation of five dollars per diem each, for each and every day while actually engaged in the work of the board, together with their traveling expenses from city to city on business connected with their office; the compensation, however, to be paid from the revenues realized under the provisions of this act, but not otherwise. The time and method of payment of such compensation shall be in accordance with the rules and regulations established by said board of plumbing examiners. Said board of plumbing examiners shall meet once each year in each of said cities, and notice of such meeting shall be given by publishing in each of said cities, in a daily newspaper published therein, a statement of the time and place of holding such meeting, at least ten days prior to the holding of such meeting. Said board may call special meetings in any of said cities for the purpose of holding examinations or for other business purposes as hereinafter provided whenever in its judgment it is deemed advisable. At all regular and special meetings of the said board as herein provided, it shall be the duty of said board to examine each applicant for a license as provided for by this act, to determine his qualifications and fitness for carrying on the business of a master plumber or journeyman plumber, and if the applicant successfully pass the examination as prescribed by the said board, then a license shall be issued to such applicant for such license, authorizing him to engage in the business and occupation of a master plumber or journeyman plumber, as the case may be, which license, when issued, shall authorize the holder thereof to carry on the business of master plumber or journeyman plumber in any of said cities.

Vacancies filled by appointment.

Compensation of board.

Special board meetings—duties of board.

SEC. 3. Any person, firm or corporation desiring to engage in or work at the business of plumbing either as a master plumber or as a journeyman plumber in any of said cities, shall apply to the said board of plumbing examiners by filing a written application with the secretary of the board, stating his place of residence, age, experience and the place where he has acquired his experience, and shall at such time and place as may be designated by said board, as herein

Applications for license.

provided for, be examined as to his qualifications for a license. In the case of a firm or corporation, the examination and issuing of a license to any one member of the firm or to the manager of the corporation shall satisfy the requirements of this act as to master plumbers, but not as to journeyman plumbers: *Provided however*, That no person shall do the work of a master plumber unless licensed as provided in this act: *Provided further*, That any duly licensed journeyman plumber may engage in the business of a master plumber without further examination, upon payment of the fee for a master plumber's license and complying with the other provisions of this act with respect to master plumbers.

Organization  
of board—  
officers.

SEC. 4. Said board of plumbing examiners shall within thirty days after the appointment of the members thereof meet and organize and elect a president, secretary and treasurer, and make rules and regulations that are just and reasonable and fair in the matter of time, place and method of examining applicants desiring to engage in or to work at the business or trade of plumbing in any of said cities, and for the issuing of licenses and granting of temporary permits from the time of the filing of the application until the applicant has an opportunity to submit to the examination to be prescribed by the said board. Said board shall examine all applicants as to their knowledge of and experience in plumbing, house draining and ventilation, and all other subjects that in its judgment are deemed necessary and requisite to test the fitness, knowledge and experience of the applicant, and if the applicant has sufficient knowledge and experience in the matters inquired about and in the opinion of said board is competent to engage in such work or business or trade, said board shall thereupon issue a license to the applicant which shall authorize and permit him to engage in the business or trade specified in said license in any of the said cities, for the time specified in said license.

Examinations  
of applicants.

Examination  
fee.

SEC. 5. No applicant for a master plumber's license shall be entitled to submit to the examination prescribed by the said board of plumbing examiners until he shall have deposited with the treasurer of said board the sum of ten dollars, and no applicant for a journeyman plumber's license shall be entitled to submit to the examination to be prescribed by said board until he shall have deposited with the treasurer of said board the sum of two dollars and fifty cents: each license when issued shall expire one year after the date of

its issuance and shall have no force or effect after the expiration of one year from the date of its issuance. Any license, however, issued to a master plumber or journeyman plumber, may be renewed annually without examination at any time prior to its expiration, by a written request for its renewal directed to the secretary of said board and the payment of the sum of ten dollars for a renewal of a master plumber's license or the sum of two dollars and fifty cents for the renewal of a journeyman plumber's license, and any such renewal shall also be for the period of one year.

Renewal of  
licenses.

Renewal fee.

SEC. 6. Nothing in this act shall prohibit any person from working as an apprentice in said trade of plumbing with a plumber duly licensed by said board as herein provided for, and under such rules and regulations as may be prescribed from time to time by said Board of Plumbing Examiners: *Provided*, The name and residence of each apprentice and the name and residence of their employers shall be duly filed with said board, and a record in a suitable book to be provided by said board shall be kept by said board, showing the names and residences of such apprentices.

Apprentices.

SEC. 7. Sufficient of the moneys derived from license fees, examination fees and the renewal of licenses, under the provisions of this act, shall be used by said board to defray the expenses of holding examinations in connection with the carrying out of the provisions of this act, including their own compensation and traveling expenses, and any surplus remaining shall be turned over to the state treasurer on the first day of July, 1907, and annually thereafter.

Expense of  
examinations,  
how defrayed.

SEC. 8. The license and permit granted as herein provided may be at any time revoked for incompetency, dereliction of duty or other sufficient cause, after a full and fair hearing by said board.

Revocation of  
license.

SEC. 9. A majority of said Board of Plumbing Examiners shall constitute a quorum for the purpose of transacting any and all business that may come before the board.

Quorum of  
board.

SEC. 10. All competent master plumbers and competent journeyman plumbers now engaged in the business or actually and regularly working at the trade of plumbing shall be entitled to a license to be issued by said Board of Plumbing Examiners immediately after its organization as provided for by this act, without submitting or being required to submit to any examination whatsoever, upon the payment by each of the applicants for such license of the sum of ten dollars in

License to  
existing  
plumbers—fee  
therefor.

the case of a master plumber and two dollars and fifty cents in the case of a journeyman plumber, and such license when issued shall be renewed from time to time annually as hereinbefore provided.

**Legislative intent of act.**

SEC. 11. If any section or provisions of this act be held by the Courts of this State to be unconstitutional, it is hereby declared to be the legislative intent that the remaining sections or provisions of this act shall remain in full force and effect, to the same extent as though such unconstitutional portion had not been enacted, and the declaring of one section or provision void shall in no way affect the validity of the sections or provisions remaining.

**Violation and penalty.**

SEC. 12. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars or less than ten dollars for each and every violation thereof.

**Appeal.**

SEC. 13. Any person making an application for a license as herein provided for who deems himself aggrieved by reason of the refusal of said board of plumbing examiners to grant a license to him shall have the right to appeal from the decision of said board to the superior court of the county in which he shall submit to his examination for a license.

**Repeal.**

SEC. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the House February 20, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 4, 1905.

## CHAPTER 67.

(H. B. No. 59)

TO AMEND THE STATE CONSTITUTION RELATIVE TO  
WATER AND WATER RIGHTS, TO INCLUDE REMOVAL  
OF TIMBER PRODUCTS.

AN ACT providing for the amendment of section one of article XXI of the Constitution of the State of Washington, entitled, "Water and Water Rights," by enlarging the public use of the waters of this State so as to include the removal of timber products.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That it is proposed to amend Article XXI, Section one, of the Constitution to read as follows: "Section 1. The use of the waters of this State for irrigation, mining, manufacturing purposes, and for the removal of timber products shall be deemed a public use."

SEC. 2. The Secretary of State shall cause the foregoing amendment to be published for three months next preceding the next general election to be held in this State, in some weekly newspaper in each county in this State wherein a newspaper is published.

SEC. 3. At the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1906, the above and foregoing amendment shall be submitted to the qualified electors of the State for their adoption and approval.

SEC. 4. There shall be printed on all ballots for said election the words "For proposed amendment to Article XXI, Section one, of the Constitution which reads: Section 1. The use of the waters of this State for irrigation, mining, manufacturing purposes, and for the removal of timber products shall be deemed a public use." "Against the proposed amendment to Article XXI, Section one, of the Constitution which reads: Section 1. The use of the waters of this State for irrigation, mining, manufacturing purposes, and for the removal of timber products shall be deemed a public use."

Passed the House February 14, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 3, 1905.

## CHAPTER 68.

(S. B. No. 233)

## ADDITIONAL LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, for the expenses of the Ninth Legislature.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington, the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary, to be used for the expenses of the Ninth Legislature of the State of Washington.

Passed the Senate February 27, 1905.

Passed the House March 6, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 69

(H. B. No. 185)

## PROVIDING RATE OF INTEREST ON CERTAIN BONDS OF ISLAND COUNTY.

AN ACT providing for the rate of interest to be paid on certain bonds of Island County, and owned by the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Treasurer of the State of Washington be and he is hereby directed and authorized to accept in full payment of interest upon fourteen thousand dollars bonds of Island County, issued January 1, 1892, and being part of an issue of twenty thousand dollars and now owned by the State of Washington, for the six years beginning January 1, 1906, and ending January 1, 1912, at the rate of four per cent per annum.

Passed the House February 15, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 70.

(H. B. No. 13)

PROVIDING FOR CARE AND PROTECTION OF DEFECTIVE  
AND FEEBLE MINDED YOUTH.

AN ACT providing for the care of defective and feeble minded youth, establishing an institution therefor, providing for the construction of buildings, making an appropriation, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That a State institution hereby is established to be known as "The State Institution for Feeble-minded," Name. for the care and education of the defective and feeble-minded youth of the State of Washington.

SEC. 2. The location of the said institution shall be near Medical Lake, in Spokane County, Washington, and shall Location and supervision. be on land now owned by the State of Washington, and within two miles of the Eastern Washington Hospital for the Insane and shall be under the immediate supervision of the Superintendent of the Eastern Washington Hospital for the Insane, subject to such rules and regulations as may be prescribed by the State Board of Control.

SEC. 3. Said institution shall be under the direct management and direction of the State Board of Control, the same as other State institutions, and in all respects subject to the law creating the said State Board of Control. Management.

SEC. 4. Every child and youth residing within this State, Inmates. under the age of twenty-one years who by reason of defective intellect are rendered unable to acquire an education in the common schools, and epileptics of the same age, are entitled to receive such physical and mental training and care as is provided in said institution, at the expense of the State. The term "feeble-minded," as used in connection with this institution, shall be so construed as to include idiotic children, and Term "feeble-minded" defined. the said board shall provide a custodian or asylum department for the care of such as can not be benefited by educational training. The said board is hereby authorized and required to utilize the labor of the inmates of the said institution as far as may be conducive to their health and best interests, under the direction of the superintendent of the said

Report of  
County  
Superintend-  
ent.

Certified  
copy and  
payment.

Erection of  
building.

institution, subject to the approval of the said board. The county superintendent of schools in each county shall on August first of each year report to the State Board of Control the name, age and postoffice address of the parents, guardian or nearest friend of any child, also the names of all children in his county, who by reason of mental, feeble and physical condition are deprived of a reasonable degree of benefit from the common schools, and state therein whether such child has ever attended school, and if so, how long. Pupils not otherwise provided with clothing shall be supplied by the superintendent of such institution, the cost of which, if there be any, with that of the transportation of the pupil, shall stand as an account against him or his parents or guardian; and, being duly certified to by the superintendent, shall be presumed to be correct in all courts. A certified copy of the amount thereof shall be transmitted to the county auditor of the county of the pupil's residence, who shall proceed to collect it in the name of the county; and pay the same to the state treasurer. At the same time the account is forwarded to the auditor, a duplicate shall be sent to the state auditor who shall credit the institution with the amount, and at the same time charge it to the proper county. If it is made to appear by the affidavits of three disinterested persons of such county not of kin to an inmate, his parents or guardian, that the same ought not to be collected from them or either of them because of their financial condition then the auditor shall credit the same to the State and report that fact to the board of county commissioners, which board shall direct its payment to the State out of the county fund.

SEC. 5. The State Board of Control shall proceed, with as little delay as possible, to erect a suitable building or buildings of brick or stone, and to equip and furnish the same, in accordance with the plans and specifications therefor which may be adopted by said board or a majority thereof; provided that a plan shall be adopted for a complete institution building or buildings capable of accommodating, when finished, two hundred inmates or more; and that if the appropriation hereinafter provided for is not sufficient for the erection and equipment of the whole building or buildings, such portion thereof shall be first built, furnished and equipped for the occupation of inmates as shall, in the judgment of said Board of Control, be deemed most expedient.



SEC. 6. That upon the completion and equipment of said building or buildings herein provided for, or a sufficient portion thereof for their accommodation, that said State Board of Control shall remove or cause to be removed to said "State Institution for Feeble-minded" all of the inmates then in the feeble-minded department of the State School for Defective Youth.

Transfer of inmates.

SEC. 7. Defective youth not residing in the State may be admitted on such terms and conditions as may be prescribed by the said State Board of Control.

Non-residents.

SEC. 8. It shall be the duty of the clerks of all school districts in the State of Washington at the time of making the annual reports, to report to the school superintendent of their respective counties the names of all feeble-minded youth residing within their respective districts.

Reports of school district clerks.

SEC. 9. It shall be the duty of the parents or guardians of such defective youth to send them to the said institution for feeble-minded. The county superintendent shall take all action necessary to enforce this section. *Provided*, That if satisfactory evidence shall be laid before the county superintendent that any defective youth is being properly educated and cared for at home or in some suitable institution other than the state institution for feeble-minded, the county superintendent shall take no action in such case further than to make a record of such fact, and take such steps as shall be necessary to satisfy himself that said defective youth shall continue to receive proper education and care. Any parent, guardian, school superintendent or county commissioner who shall, without proper cause, fail to carry into effect the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars, in the discretion of the court.

Duties of parents and guardians.

Violation and penalty.

SEC. 10. That upon the completion and equipment of the said "State Institution for Feeble-minded," or a sufficient portion thereof, and the removal thereto of the inmates of the present feeble-minded department of the State School for Defective Youth, that said feeble-minded department of the State School for Defective Youth as such shall be and the same is hereby ordered abolished, and the buildings now

Change in School for Defective Youth

or then occupied by such department of said school be thereafter used for the blind of said school.

Appropriation.

SEC. 11. That for the purposes of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of sixty-two thousand and five hundred (\$62,500) dollars or so much thereof as may be necessary for the following purposes, to-wit: For the erection and equipment of said "State Institution for Feeble-minded," the sum of fifty thousand (\$50,000) dollars; for the removal to said institution of the inmates of the present feeble-minded department of the State School for Defective Youth, the sum of two thousand five hundred dollars (\$2,500); and for the maintenance of the State Institution for Feeble-minded, for the fiscal term ending March 31, 1907, the sum of ten thousand dollars (\$10,000).

Emergency.

SEC. 12. An emergency exists and this act shall take effect immediately.

Passed the House February 21, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 71.

(H. B. No. 99)

### AMENDING ACT OF 1903 RELATIVE TO MUTUAL FIRE INSURANCE COMPANIES.

AN ACT to amend Chapter ninety-seven of the Session Laws of 1903, being "An act providing for the incorporation and regulation of Mutual Fire Insurance Companies."

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section two of an act entitled, "An act providing for the incorporation and regulation of Mutual Fire Insurance Companies," approved March 14, 1903, being Chapter ninety-seven of the Session Laws of 1903, be and hereby is amended to read as follows: Section 2. No policy of insurance shall be issued by any such company or association until not less than two hundred thousand dollars

insurance has been subscribed and entered upon its books: *Provided however*, That when any ten persons or companies operating manufacturing plants within this State shall have organized an association or corporation hereunder, such company can begin to issue policies under such conditions as its board of directors may provide, and, *Provided further*, That any company or association organized under this act may issue policies of insurance outside of any incorporated city or town when fifty thousand dollars insurance has been subscribed and entered upon its books.

Passed the House February 20, 1905.

Passed the Senate March 2, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 72.

(H. Sub. B. No. 154)

### FOR SECURING AND PERPETUATING LIENS UPON CHATTELS.

**AN ACT** to secure and perpetuate liens upon chattels for labor, skill and material expended thereon, and providing for the enforcement thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Every blacksmith, wagon-maker, machinist, or boiler-maker who has expended labor, skill or material on any chattel, at the request of its owner, or authorized agent of the owner, shall have a lien upon such chattel, for the contract price for such expenditure, or in the absence of such contract price, for the reasonable worth of such expenditure, for a period of one year from and after such expenditure, notwithstanding the fact that such chattel be surrendered to the owner thereof: *Provided however*, That no such lien shall continue after the delivery of such chattel to its owner as against the rights of innocent third persons acquired without actual knowledge of such lien.

SEC. 2. In order to make such lien effectual the lien claimant shall within ninety days from the date of delivery of such chattel to the owner file in the office of the Auditor

Liens for labor.

Notice.

of the County in which such chattel is kept a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has expended labor, skill or material, the amount for which a lien is claimed, and the date upon which such expenditure was completed, which notice shall be signed by the claimant, or some one in his behalf, and may be in substantially the following form:

**CHATTEL LIEN NOTICE.**

.....Claimant,

against

.....Owner.

**Form.**

Notice is hereby given that.....has and claims a lien upon (here insert description of chattel), owned by .....for the sum of.....dollars, for and on account of labor, skill and material expended upon said....., which was completed upon the .....day of.....190...

.....  
Claimant.

**Ownership.**

SEC. 3. Every person who is in possession of a chattel, under an agreement for the purchase thereof, whether the title thereto be in him, or his vendor, shall, for the purposes of this act, be deemed the owner thereof, and the lien of a person expending material, labor or skill thereon shall be superior to and preferred to the rights of the person holding the title thereto, or any lien thereon antedating the time of expenditure of the labor, skill or material thereon by a lien claimant, to the extent that such expenditure has enhanced the value of such chattel.

**Enforcement of lien.**

SEC. 4. The lien herein provided for may be enforced against the owner of and all persons having an interest in any such chattel by notice and sale in the same manner that a chattel mortgage is foreclosed, or by decree of any court in this State, exercising original equity jurisdiction in the County wherein such chattel may be, or in action commenced within nine months after the filing of such lien notice and if no such action be commenced within such time such lien shall cease.

**Filing of notice.**

SEC. 5. Upon presentation of such lien notice to the Auditor of any County, and the payment to him of fifteen cents, he shall file the same, and endorse thereon the time of the reception, the number thereof, and shall enter the same in a suitable book or file (but need not record the same).

Such book or file shall have herewith an alphabetic index, in which the County Auditor shall index such notice by noting the name of the owner, name of lien claimant, description of property, date of lien (which shall be the date upon which such expenditure of labor, skill or material was completed), date of filing and when released, the date of release.

Passed the House February 21, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 73.

(S. B. No. 121)

### APPROPRIATION FOR BENEFIT OF THE FLORENCE CRITTENTON AND WHITE SHIELD HOMES.

**AN ACT** appropriating the sum of six thousand dollars for the use and benefit of The Florence Crittenton and the White Shield Home rescue work for the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

**SECTION 1.** That the sum of six thousand dollars be and the same is hereby appropriated out of any funds of the State not otherwise appropriated, for the use and benefit of the Florence Crittenton and the White Shield Home rescue work for the State of Washington; two thousand dollars thereof to be paid to the treasurer of The Florence Crittenton Home at Spokane, Washington, and two thousand dollars thereof to be paid to the treasurer of The Florence Crittenton Home at Seattle, Washington, and two thousand dollars thereof to be paid to the treasurer of The White Shield Home at Tacoma, Washington.

**SEC. 2.** The State Auditor is hereby directed to issue his warrants for said sums and the State Treasurer is hereby directed to pay same upon presentation.

Passed the Senate February 9, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 74.

(S. B. No. 107)

**TO ESTABLISH A STATE FISH HATCHERY ON THE HUMPTULIPS RIVER.****AN ACT** to establish and maintain a State Fish Hatchery on the Humptulips River, Chehalis County, Washington.*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the State Fish Commissioner is hereby authorized and empowered, and it is hereby made his duty to establish and maintain a State fish hatchery on the Humptulips river, Chehalis County, Washington.

SEC. 2. That if after investigation the State Fish Commissioner finds the Humptulips river, Chehalis County, Washington, a suitable stream for the location of a salmon hatchery, he is hereby authorized and directed to establish and maintain a State salmon hatchery on said Humptulips river in Chehalis County.

Passed the Senate February 7, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 75.

(S. B. No. 68)

**EMPOWERING CITIES OF THIRD AND FOURTH CLASS TO COLLECT ANNUAL STREET POLL TAX.****AN ACT** empowering cities of the third and fourth class to levy and collect an annual street poll tax, and declaring an emergency.*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The city council of cities of the third and fourth class in this State shall have power to impose on and collect from every male inhabitant of such city over the age

of twenty-one years an annual street poll tax not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city.

SEC. 2. An emergency exists and this act shall take effect ~~Emergency.~~ immediately.

Passed the Senate February 9, 1905.

Passed the House March 2, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 76.

(S. B. No. 60)

### DONATING CERTAIN SHORE LANDS TO THE CITY OF SEATTLE.

AN ACT donating to the City of Seattle all the shore lands and waters of Green Lake in the City of Seattle, King County, State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That all of the shore lands, beds, and waters of Green Lake, in the City of Seattle, County of King, State of Washington, claimed by the State of Washington, be and the same are hereby donated to the City of Seattle for park, parkway and boulevard purposes: *Provided*, That this act shall not affect the vested rights of upland owners, <sup>Upland owners not</sup> *And* <sup>affected.</sup> *provided further*, That the existing ordinances of said city authorizing the use of parts of said shore lands, beds, and waters shall continue in full force in accordance with the terms and conditions thereof.

SEC. 2. The above granted lands shall never be used for any other than park, parkway or boulevard purposes, including suitable street railway facilities. The City of Seattle shall commence the improvement thereof within one year from the taking effect of this act, and within five years from that time shall expend at least \$10,000.00 in such improvements. The title to said lands shall revert to the State in case of the failure of the city to comply with any of the provisions of this section.

Passed the Senate February 23, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 77.

(S. B. No. 101)

## AMENDING BALLINGER'S CODE RELATIVE TO PETIT LARCENY.

AN ACT amending Section 7109 of Ballinger's Annotated Codes and Statutes of Washington, relating to petit larceny and providing a penalty therefor.

7109 Ballinger.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 7109 of Ballinger's Annotated Codes and Statutes of Washington be, and the same is amended to read as follows: Section 7109. Every person who shall feloniously steal; take and carry away, lead or drive away, the personal goods or property of another, under the value of thirty dollars, shall be deemed guilty of petit larceny, and upon conviction thereof shall be punished by fine of not more than five hundred dollars, or by imprisonment in the county jail not more than one year, or by both fine and imprisonment, in the discretion of the court.

Passed the Senate February 9, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 78.

(S. B. No. 154)

## PROHIBITING ADVERTISING OF TREATMENT OF CERTAIN DISEASES.

AN ACT to prohibit the advertising of treatment or cure of venereal diseases and disorders, declaring the same a misdemeanor and prescribing a penalty therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any person who shall advertise that he will treat or cure venereal diseases or disorders, or any venereal



disease or disorder, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the County jail for a period of not less than one month nor more than six months. Any owner or managing officer of any newspaper in whose paper shall be printed or published such advertisement as is described in this act shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the County jail for a period of not less than one month nor more than six months.

Passed the Senate February 16, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 79.

(S. B. No. 82)

### PROVIDING FOR SCREENS AT HEAD OF IRRIGATION FLUMES OR DITCHES.

AN ACT to provide for the erection of screens or grills at the head of irrigating flumes, ditches or canals on streams where state fish hatcheries are located for the purpose of preventing mountain trout or other food fishes from entering said flumes, ditches or canals, and providing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That any person or persons, company or corporation owning, operating or controlling any canal, ditch or flume used for irrigating purposes shall erect on streams where State fish hatcheries are located and keep at the head of every such canal, ditch or flume, a wire screen or grill; the design and construction of the same shall be under the direction and approval of the State Fish Commissioner; said wire screen or grill shall be well constructed, and the meshes of said screen or grill shall not be farther apart than one-fourth of one inch, and shall be securely placed in the head of every such canal, flume or ditch, so as to prevent the ingress of any mountain trout or other food fishes from any of the lakes or streams of this State.

Penalty for  
violations.

SEC. 2. Any person or persons, company or corporation, or any agent of any company or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty, nor more than five hundred dollars.

Passed the Senate February 2, 1905.

Passed the House March 2, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 80.

(S. B. No. 112)

### TO ESTABLISH A STATE HATCHERY ON THE CHEHALIS RIVER.

AN ACT to establish a State fish hatchery on the Chehalis river, in Lewis County, in the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to prospect the Chehalis river in Lewis County with a view of establishing and maintaining a State salmon hatchery thereon.

SEC. 2. That if after investigation the State Fish Commissioner finds the Chehalis river in Lewis County a suitable stream for the location of a hatchery he is hereby authorized and directed to establish and maintain a State salmon hatchery on said Chehalis river in Lewis County.

Passed the Senate February 13, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 81.

(H. Sub. B. No. 6)

## ESTABLISHING A RAILROAD COMMISSION.

AN ACT to establish a railroad commission for the State of Washington, whereby discrimination and extortion in railroad and express charges may be prevented and reasonable and just freight and passenger service and tariff may be corrected and established; to authorize the commission to make all necessary rules and regulations for its government, and the carrying into effect the provisions of this act; to give to said commission the power to regulate the sale of railroad tickets, and to correct and provide charges for hauling loaded or empty cars, proper trackage, proper train service, sufficient freight and passenger rooms, and just and reasonable joint rates and demurrage charges; to prescribe penalties for the violation of this act, and to provide means and rules for its proper enforcement, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That a Railroad Commission is hereby created, to be composed of three persons to be appointed by the Governor. Within thirty days after this enactment shall go into effect, three commissioners shall be appointed, one of whom shall be designated as chairman, one for the term of six years, one for the term of four years and one for the term of two years; and thereafter the term of each commissioner shall be six years from the date of the expiration of the term of his predecessor. Each commissioner shall hold office until his successor shall have been appointed and qualified. A commissioner may be removed by the Governor for any cause which he shall deem sufficient, which power of removal shall be absolute, and there shall be no right to review of the same in any court whatsoever; the cause or causes for such removal shall be set forth by the Governor in a written statement which shall immediately be filed with the Secretary of State.

(a) No commissioner appointed under this act shall hold any other office under the Government of the United States, or of this State, or of any County or municipal corporation within this State; and shall not, while such commissioner,

engage in any occupation or business inconsistent with his duties as such commissioner.

**Vacancies.**

(b) The Governor shall fill all vacancies in the office of commissioner by appointment, and the person so appointed shall fill out the unexpired term of his predecessor.

**Surety bond of members.**

(c) Before entering upon the duties of his office each of said commissioners shall give a surety company bond (the cost of said bond to be paid by the State) in the sum of twenty thousand (\$20,000) dollars, payable to the State of Washington, conditioned upon the faithful performance of his duties, and shall take and subscribe to the usual oath of office prescribed by law for State officers, and shall in addition thereto swear that he is not directly or indirectly interested in any railroad or express company, nor the bonds, stock, mortgages, securities, contracts or earnings of any railroad or express company, and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this act and all laws of this State concerning railroads or express companies, which oath shall be filed with the Secretary of State.

**Salary.**

(d) Each of said Commissioners shall receive an annual salary of four thousand dollars, payable in the same manner as the salaries of other State officers.

**Organisation.**

SEC. 2. The Commissioners appointed shall meet at the State Capitol and organize. A majority of said Commissioners shall constitute a quorum to transact business. Said

**Quorum.**

**Secretary and salary thereof.**

Commission may appoint a secretary at a salary of not more than two thousand dollars per annum, and may appoint such clerks as may be necessary, not to exceed three in number, at a salary of not to exceed twelve hundred dollars per annum each, and such other persons as experts as may be necessary to perform the duties that may be required of them by this act. The secretary shall keep full and correct minutes of all transactions and proceedings of said Commission, and perform such duties as may be required by the Commission. The Commission shall have power to make all needful rules for their government and proceedings. They shall be known collectively as "The Railroad Commission of Washington," and shall adopt and use an official seal. They shall be furnished with an office at the state capitol, and with necessary furniture, stationery and supplies, to be paid for on the order of the governor. The Commissioners, secretary and clerks, if any, shall be

**Minutes.**

**Official name and seal.**

entitled to receive from the State their actual necessary traveling expenses while traveling on the business of the Commission, to be paid upon the presentation to the State Auditor of an itemized statement thereof, with vouchers attached, sworn to by the party who incurred the expense and approved by the Commission. Traveling expenses.

(a) Said Commission may hold sessions at any place in this State when deemed necessary to facilitate the discharge of their duties. Sessions.

SEC. 3. That the freight and passenger tariffs, charges for transportation of loaded or empty cars, charges for demurrage, and reciprocal demurrage, trackage, train service, waiting rooms for passengers and rooms for freight and baggage at all stations of railroads, and charges for each kind and class of property, money, papers, packages and all other things to be charged for and received by each express company on all such property, money, papers, packages and things which by the contract to carry are to be transported by said express company, to be demanded, collected, enforced or performed by railroad or express companies shall be just, fair, reasonable and sufficient, and the said Railroad Commission of Washington is hereby vested with power and authority, upon complaint made as hereinafter provided or by inquiry upon their own motion, after a full hearing, to make any finding declaring any existing rate for the transportation of persons or property, or any regulation whatsoever affecting said rate or charge for transportation of loaded or empty cars or demurrage or reciprocal demurrage or the sufficiency of the train service and waiting rooms for passengers and rooms for freight and baggage to be unreasonable, or unjustly discriminatory, or insufficient, and to declare and order what shall be a just and reasonable rate, practice, regulation or thing to be charged, imposed, enforced or performed or followed in the future in the place of that found to be unreasonable or unjustly discriminatory or insufficient, and the order of the Commission shall of its own force take effect and become operative twenty days after notice thereof has been given to the railroad or express company effected thereby; which said order shall be served on railroad and express companies by delivery of a certified copy thereof under the seal of the Commission, either to the attorney for the railroad or express company, or the said company itself. Service of said order upon any officer upon Power of Commission.

Service of order.

whom summons in civil actions might be served shall be a sufficient service thereof. And any railroad or express company affected by the order of the Commission and deeming it to be contrary to the law, may institute proceedings in the Superior Court of the State of Washington in the County in which the hearing before the Commission upon the complaint had been held, and have such order reviewed and its reasonableness and lawfulness inquired into and determined. Pending such review, if the Court having jurisdiction shall be of the opinion that the order or requirement of the Commission is unreasonable, or unlawful, it may suspend the same until the further order of the Court pending such litigation, in which event the Court shall require a bond of good and sufficient security conditioned that the carrier or carriers petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the Commission, and all penalties that would attach against the said railroad or express company, and all compensation for whatever sums for transportation service any person or corporation shall be compelled to pay pending the review proceedings, in excess of the sums such person or corporation would have been compelled to pay if the order of said Commission had not been suspended. Said action of review shall be taken by the said railroad or express company within twenty days after notice of said order, and if said action of review is not taken within said time, then in all litigation thereafter arising between the State of Washington and said railroad or express company, or private parties and said railroad or express company, the said order shall be deemed final and conclusive. If, however, said action in review is instituted within said time, the said railroad or express company shall have the right of appeal or to prosecute by other appropriate proceedings, from the judgment of the Superior Court to the Supreme Court of the State of Washington, as in civil actions. In all such proceedings, however, bonds shall be required conditioned as hereinbefore provided in addition to the usual appeal bond. The action in review of such order, whether by writ of review or appeal, or otherwise, shall be by equitable proceedings before such Superior Court.

**Joint rates.** SEC. 4. That when the rate substituted by the Commission, as hereinbefore provided, shall be a joint rate, and the railroad or express companies parties thereto, fail to agree

**Proceedings.**

**Time of action.**

**Additional bonds.**

upon the apportionment thereof among themselves within ten days after notice of such order, the Commission may issue a supplemental order, declaring the portion of such joint rate to be received by each railroad or express company party thereto, which shall take effect of its own force as part of the original order, and when the order of the Commission prescribes the just relation of rates to or from common points of the lines of the several railroads or express companies parties to the proceedings, such railroads or express companies fail to notify the Commission within five days after notice of such order, that they have agreed among themselves as to the changes to be made to effect compliance therewith, the Commission may issue a supplemental order prescribing the rate to be charged to or from such common points by either or all of the parties to the proceeding, which order shall take effect of its own force, as part of the original order, and such supplemental orders shall be subject to review by the said Superior Court within the time and in the manner hereinbefore provided for the review of original orders of the Commission: *Provided however*, That before the Commission shall have the power to fix joint rates, or compel one road to haul the cars of another, or deliver freight or cars to another road, the Commission must be satisfied that an injustice or injury will result to the shipper seeking the enforcement of said joint rate, if the same is not established.

SEC. 5. That if any railroad or express company, or officer, or agent thereof, bound thereby, shall refuse or neglect to obey or perform any order of the Commission mentioned in this act, the Commission may apply by petition to the Superior Court of this State, in any County in this State, in or through which the said railroad or express company is doing business, to enforce obedience to its order by writ of injunction or other appropriate process, and in addition thereto, the offending party shall, for each day of the continuance of said refusal or neglect, be subject to a penalty of two hundred fifty dollars, which together with the cost of suit, shall be recoverable by the Commission in an action instituted by it, on the relation of the State of Washington, in the Superior Court of the State of Washington, in any County in this State, in or through which said railroad or express company runs or does business.

Refusal or  
negligence of  
agents—  
penalty.

Complaints  
as to charges  
or rates.

SEC. 6. When complaint is made to the Commission in writing that any freight or passenger tariff rate, or charge for the transportation of loaded or empty cars, or for demurrage or reciprocal demurrage, or charge for the storing and handling of freight, rates of charge for all kinds or classes of property, money, packages, papers, or other things to be charged for and received by each railroad and express company, which by the contract of carriage are to be transported by said railroad or express company between points within this State, is unreasonable or unjustly discriminatory, or that any train service of railroads, whether freight or passenger, or the amount of trackage, or waiting rooms for passengers, or rooms for freight, or baggage at any station, or that cars of same are insufficient or improper, the Commission shall thereupon give to the railroad or express company to be effected thereby, thirty days' written notice of the time and place, when and where such complaint will be heard, and said railroad or express company shall be entitled to be heard at such time and place, to the end that justice may be done, and the Commission shall issue process to enforce the attendance of all necessary witnesses. All process herein provided for shall be served as in civil cases; issues shall be made up without delay as nearly as practicable as in civil cases; such complaint shall be instituted in the name of the Commission, and all railroads, express companies, and carriers interested, shall be made parties to the hearing, and on such hearing, all complaints made concerning any rates, charges, tolls or other matters, upon which complaints may be founded, may be joined in the one hearing, and no motion shall be entertained against such complaint for misjoinder of complaints or grievances, or misjoinder of parties; it being the intention of this act to authorize said Commission to inquire into all grievances whereof complaint may have been made, or by inquiry upon its own motion at one hearing, and by one order and judgment, decide and adjust the same, and in any review in the Courts of the orders of the Commission, the same rule shall apply and pertain with regard to the joinder of complaints, and parties, as herein provided: *Provided*, All grievances to be inquired into whether by complaint made to the Commission or by inquiry upon its own motion, shall be set out in a complaint, which shall be served upon the railroad, or express company, together with notice of the time and place of hearing.

Process—  
how served.

Intent of  
this act.



(a) The Commission shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings: *Provided*, No person desiring to be present at any such hearing, shall be denied admission. Powers of Commission.

(b) The chairman, and each of the Commissioners, for the purposes mentioned in this act, shall have power to administer oaths, certify to all official acts, and to issue subpoena for the attendance of witnesses, and the production of papers, way bills, books, accounts, documents and testimony. The Superior Court of the County in which any proceeding under this act may be instituted, shall have power to compel the attendance of witnesses, and the production of papers, way bills, books, accounts, documents and testimony as required by said subpoena. The said Commission before which the testimony is to be given or produced, in case of the refusal of any witness to attend, or testify, or produce any papers required by the subpoena, shall report to the Superior Court in and for the County in which the proceeding is pending by petition, that due notice has been given of the time and place of the attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner provided in this act, and that the fees and mileage of the witness has been paid or tendered to the witness for his attendance and testimony, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before said Commission, in the cause or proceeding named in the notice and subpoena, and ask an order of the said Court, compelling the witness to attend and testify before the said Commission; the Court upon the petition of the Commission, shall enter an order directing the witness to appear before the said Court, at a time and place to be fixed by the Court in such order, and then and there show cause why he has not responded to said subpoena. A copy of said order shall be served upon said witness. If it shall appear to the Court that said subpoena was regularly issued by said Commission, the Court shall thereupon enter an order that said witness appear before said Commission at said time and place as fixed in said order, and testify or produce the required papers, and upon failing to obey said order, said witness shall be dealt with as for contempt of Court. In all proceedings before the Commission, the Commissioners shall have the right in their discre- Witnesses.  
Com'n to report to Superior Court.  
Court's order.

tion, to limit the number of witnesses testifying upon any subject or proceeding to be inquired of before the Commission.

Appeal of  
dissatisfied  
party.

(c) In case the decision or order of the Commission concerning any freight or passenger tariff, rate or charge for the transportation of loaded or empty cars or for demurrage or reciprocal demurrage or charge for the storing or handling of freight, rates of charge for any kind or class of property, money, packages, papers or other things to be charged for or received by any railroad or express company inquired into by the Commission on the written complaint of any person or number of persons shall be unsatisfactory to any of the persons so making written complaint upon any matter embraced in such written complaint, such dissatisfied party shall have the right to appeal from the order of the Commission to the Superior Court of the State of Washington in the County in which the hearing before the Commissioners had been held. Said appeal shall be taken by serving on the Commission or filing with it a notice of appeal specifying the order or portion of the order appealed from within thirty days from the rendition of such decision and the execution and filing within said time of a bond in the sum of one hundred dollars conditioned to pay the costs of such appeal, which bond shall go to the State of Washington. Upon receipt of such notice and bond the Commission shall notify all persons interested in the subject matter of said appeal being taken. On said appeal the order or portion of order appealed from shall be tried *de novo* by the Superior Court without the intervention of the jury and said Court shall render such decision concerning the matter complained of as the justice of the case may require.

Notice to  
interested  
parties.

Rates conclu-  
sive, in  
actions.

SEC. 7. In all actions between private parties and railroad or express companies brought under this law, and in all actions for the enforcement of penalties provided for in this act, the rates, charges, classifications and orders prescribed by the Commission as hereinbefore provided, shall be held conclusive, and deemed and accepted to be fair and just; but in every such action any judgment averse to the railroad or express companies rendered after the Commission has determined the rate, charge, classification or order, and while same is pending on writ of review or appeal, and prior to the final determination of such action under section three of

this act, determining the reasonableness of such rate, charge, classification or order, shall be provisional only, and enforcement thereof and process thereunder, shall be stayed pending the final determination of such writ of review or appeal. Upon final determination of such writ of review or appeal, <sup>Final judgment absolute.</sup> if the judgment therein be in favor of the rate, charge, classification or order prescribed by the Commission, the judgment theretofore provisional, shall thereupon become absolute, but if the determination be against the rate, charge, classification or order, prescribed by the Commission, in such event the judgment theretofore provisional, shall be set aside or modified by the Court to meet the final determination thereof.

SEC. 8. That whenever the Commission, under section <sup>Burden of proof.</sup> three of this act, has determined any rate, regulation, order, classification or charge, in any appeal or writ of review brought by a railroad or express company to determine the reasonableness of such rate, regulation, order, classification or charge, the burden of proof shall be upon said railroad or express company to establish that such rate, regulation, order, classification or charge, established by the Commission is unreasonable or unjustly discriminatory or insufficient.

SEC. 9. The Superior Court of the State of Washington, <sup>Jurisdiction of court.</sup> in any County in or through which the said railroad or express companies is doing business, shall have jurisdiction to enforce by proper decree, injunction or orders, the rates, classifications, rulings, orders and regulations made or established by the Commission. The proceeding therefor shall be by equitable action in the name of the State and shall be instituted by the Attorney General whenever advised by the Commission that any railroad or express company or person <sup>Att'y Gen'l to institute proceedings, when.</sup> operating a line of railways or express company in this State is violating or refusing to comply with any rule, order, rate, classification or regulation made by the Commission and applicable to such railway or express company. It shall be the duty of the Superior Court in which such action is <sup>Duty of Superior Court.</sup> pending to require the issues therein to be promptly made up, and to give the same precedence over all other civil business of a different nature. If in such action the Court finds that the said defendant has failed, without sufficient cause, to comply with the rule, regulation, order, rate or classification so made and established, the Court shall decree a mandatory injunction compelling obedience to and compli-

Violation of  
decree—  
penalty.

ance with the rule, rate, order, regulation or classification by the defendant and its officers, agents, servants and employes, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and every officer, agent, servant and employe of the defendant who is in any manner instrumental in such violation, guilty of contempt, and upon conviction thereof shall be fined in a sum not exceeding one thousand (\$1,000) dollars for each offense, or may imprison the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, order, regulation, rate or classification shall be modified or vacated by the Commission, but the defendant railroad or express company may thereafter petition the Commission for and obtain a modification of the decree by reason of any change of circumstances occurring after the decree such as to render the rule, order, regulation, rate or classification involved unreasonable or unjust. An appeal within the same time as other actions, shall be allowed to the Supreme Court from the decree in such actions, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Schedule of  
rates to be  
furnished.

SEC. 10. Each railroad and express company shall, within thirty days after this act shall take effect, furnish to the Commission a complete schedule of all rates, rules, orders, classifications or regulations then in force by it between all points in this State, and shall keep at each station, depot or office a copy thereof for inspection by all interested persons, during business hours, and thereafter shall note thereon any changes that may be made therein within ten days after such change shall be made.

Inspection of  
railroad com-  
pany's books.

SEC. 11. The Commissioners, or either of them, or such person as they may employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad or express company, and to examine under oath any officer, agent or employe of such railroad or express company in relation to the business and affairs of the same. If any railroad or express company shall refuse to permit the Commissioners, or either of them, or any person authorized by them, to examine its books and papers, such railroad or express company shall, for each offense, pay to the State of Washington not less than one hundred twenty-five dollars nor more than five hundred

dollars for each day it shall so fail or refuse: *Provided*, That any person other than one of said Commissioners who shall make any such demands shall produce his authority, from said Commission, to make such inspection.

(a) Any officer, agent or employe of any railroad or express company who shall, upon proper demand, fail or refuse to exhibit to the Commissioners, or either or any of them, or any person authorized to investigate the same, any book or paper of such railroad or express company which is in the possession of, or under the control of such officer, agent or employe, shall be deemed guilty of a misdemeanor, and upon conviction in any Court having jurisdiction thereof, shall be fined for each offense a sum not less than one hundred twenty-five dollars and not to exceed five hundred dollars, or shall be imprisoned in the County jail not to exceed six months, or both such fine and imprisonment.

*Failure to exhibit books.*

*Penalty.*

SEC. 12. The Commission shall ascertain as early as practicable the amount of money expended in the construction and equipment per mile of every railway in Washington. The Commission may also ascertain the amounts paid for salaries to the officers of the railroad or express company and the wages paid to employes. For the purpose in this section named, the Commission may employ sworn experts to inspect and assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the Attorney General by report, and file a duplicate thereof with the Secretary of State for public use, and said information shall be printed from time to time in the annual report of the Commission.

*Ascertainment of amount of construction work—sworn experts.*

SEC. 13. The said Commission shall cause to be prepared suitable blanks with questions calculated to elicit all information concerning railroads and express companies, and as often as it may be necessary furnish said blanks to each railroad and express company. Any railroad or express company receiving from the Commission any such blanks shall cause said blanks to be properly filled out so as to answer fully and correctly each question therein propounded, and in case they are unable to answer any question, they shall give a satisfactory reason for their failure; and the said answers, duly sworn to by the proper officers of said company, shall be returned to said Commission at its office within thirty days from the receipt thereof.

*Blanks.*

Failure to  
fill out blanks.

(a) If any officer or employe of a railroad or express company shall wilfully fail or refuse to fill out and return any blank as above required, or wilfully refuse or fail to answer any question therein propounded, or give a false answer to any such questions, where the fact inquired for is within his knowledge, or shall evade the answer to any such questions, such person shall be guilty of a misdemeanor and shall on conviction thereof be fined for each day he shall fail to perform such duty, after the expiration of the time, a sum not to exceed five hundred dollars, and the Commission shall cause a prosecution therefor in the proper Court; and a penalty of a like amount shall be recovered from the company when it appears that such person acted in obedience to its directions, permission or request in his failure, evasion or refusal.

Penalty.

Reports of  
Com'n, to  
Governor.

(b) The said Commission shall make and submit to the Governor annual reports containing a full and complete account of the transactions of their office, together with the information gathered by such Commission as herein required, and such other facts, suggestions and recommendations as may be by them deemed necessary, which report shall be published as the reports of the heads of departments.

Investigations  
by Com'n.

(c) The said Commission shall have power, and it is hereby made its duty, to investigate all through freight rates on railroads and express companies in Washington; and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the interstate commission, the officials of the railroads or express companies are to be notified of the facts and requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, the latter is instructed to notify the interstate commerce commission and to apply to it for relief.

Witnesses—  
fees thereof.

SEC. 14. Each witness who shall appear before the Commission by order of the Commission, shall receive for his attendance three dollars per day and five cents per mile traveled by the nearest practicable route in going and returning from the place of meeting of said Commission; said fees and mileage shall be paid as other accounts, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the Commission: *Provided*, That no

witness shall be entitled to any fees or mileage from the State of Washington when summoned at the instance of the railroad or express companies. The claim by any witness that any testimony sought to be elicited may tend to criminate the person giving it, shall not excuse said witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding excepting in a prosecution for perjury: *Provided*, The Commission shall in all cases have the right to take depositions **Depositions.** instead of compelling attendance of witnesses and to compel witnesses to attend and testify as upon a hearing before them. The sheriff or constable executing any process issued under the provisions of this act shall receive such compensation as may be allowed by the Commission, not to exceed fees as now prescribed by law for similar services. The said Commission shall have power to subpoena and compel the attendance of witnesses from any place within the State to attend upon said Commission at its meetings at any place in the State.

SEC. 15. If any railroad or express company subject hereto, directly or indirectly, or by any special rate, rebate, drawback or other device, shall charge, demand, collect, or receive from any person, firm or corporation, a greater or less compensation for services rendered, or to be rendered by it, than it charges, demands, collects or receives from any other person, firm or corporation for doing a like and contemporaneous service, such railroad or express company shall be deemed guilty of unjust discrimination, which is hereby prohibited. **Unjust discrimination.**

(a) It shall also be unjust discrimination for any such railroad or express company to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or to subject any particular description of traffic to any undue or unreasonable prejudice, delay or disadvantage in any respect whatever. **Unreasonable preference.**

(b) Every railroad or express company which shall wilfully fail or refuse under such regulations as may be prescribed by the Commission, to receive and transport without delay or discrimination, the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad and every railroad which shall, under such regulations as may be prescribed by the Commission, wilfully fail and refuse to transport and deliver without delay or discrimination any passen- **Failure to transport passengers or freight.**

gers, tonnage or cars, loaded or empty, destined to any point on or over the line of any connecting line of railroad shall be deemed guilty of unjust discrimination: *Provided*, Perishable freight of all kinds and live stock shall have precedence of shipment.

(c) It shall be unjust discrimination for any railroad or express company subject hereto to charge or receive any greater compensation in the aggregate for the transportation of like kind of property or passengers for a shorter than for a longer distance over the same line: *Provided*, That upon application to the Commission any railroad or express company may in special cases, to prevent manifest injury, be authorized by the Commission to charge less for longer than for shorter distances for transporting persons and property, and the Commission shall from time to time prescribe the extent to which such designated railroad or express company may be relieved from the operation of this provision: *Provided*, That no manifest injustice shall be imposed upon any citizen at intermediate points.

Penalty for  
violating  
above section.

(d) Any railroad or express company violating any provisions of this section shall be deemed guilty of unjust discrimination and shall for each offense pay to the State of Washington a penalty of not less than one hundred dollars nor more than two thousand dollars.

Free carriage  
for State  
allowed  
hereby.

(e) Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the State, or for any city, county or town government, or for charitable purposes, or to and from fairs and expositions for exhibition thereof, or the free carriage of destitute and indigent persons, or the issuance of mileage or excursion passenger tickets, nor to prevent railroads from giving free or reduced transportation to ministers of religion, or to the inmates of hospitals, eleemosynary and charitable institutions; and nothing herein shall be construed to prevent railroads from giving free transportation to any railroad officers, agents, employes, attorneys, stockholders or directors, and to employes' families, and to ex-employes in search of employment: *Provided*, Such carriage may extend to employes' household goods and personal effects.

Employes  
included.

Penalty for  
false billing  
or weight.

SEC. 16. Any officer or agent of any railroad or express company subject to this act who, by means of false billing, false classification, false weights or by any other device, shall suffer or permit any person or persons to obtain transporta-



tion for property at less than regular rates then in force on such railroad or express company, or who, by means of false billing, false classification, false weighing, or by any device whatsoever shall charge any person, firm or corporation more for the transportation of property than the regular rates, shall be guilty of a misdemeanor, and on conviction thereof fined in a sum not less than one hundred dollars nor more than one thousand dollars.

SEC. 17. In case any railroad or express company subject Liability for damages. to this act shall do, cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing herein required to be done by it, the said railroad or express company shall be liable to the person or persons, firm or corporation injured thereby for the damage sustained in consequence of such violation.

SEC. 18. If any railroad or express company as aforesaid shall wilfully violate any other provisions of this act, or shall Wilful violations—penalty. do any other act herein prohibited, or shall fail or refuse to comply with any and all lawful orders emanating from said Railroad Commission or any other duty enjoined upon it for which a penalty has not herein been provided, for every such act of violation it shall pay to the State of Washington a penalty of not more than two thousand dollars.

SEC. 19. All of the penalties herein provided shall be re- Penalties—how recovered—to whom paid. covered and suits therefor shall be brought in the name of the State of Washington, in the superior court of Thurston county, or in the superior court of any county in or through which said railroad or express company may do business, by the attorney general or under his direction. In all suits arising under this act the rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the State under this act shall be paid into the treasury of the State.

SEC. 20. Upon application of any person the Commission shall furnish certified copies of any classification, rates, rules, regulations or orders established by such Commission and such printed copies, published by the authority of the Commission, with seal affixed, shall be admissible in evidence in any suit, and shall be sufficient to establish the fact that any charge, rate, rule, order or classification therein contained, and which may be in issue in the trial, is the official act of the Commission. A substantial compliance with the require- Com'n to furnish copies of rates, etc.

ments of this act shall be sufficient to give effect to all the classifications, rates, charges, rules, regulations, requirements and orders established by the Commission, and none of them shall be declared inoperative for any omission of a technical matter in the performance of such act.

Commission  
to enforce act  
and report to  
Attorney  
General.

SEC. 21. It is hereby made the duty of such Commission to see that the provisions of this act, and all laws of this State concerning railroads and express companies are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the State therefor recovered and collected. And said Commission shall report all such violations, with the facts in their possession, to the attorney general or other officer charged with the enforcement of laws, and request him to institute the proper proceedings and all suits between the State and any railroad or express company shall have precedence over all the other suits pending therein.

Term  
"railroad"  
defined.

SEC. 22. The term "road," "railroad," "railroad companies," "railroad corporations," as used herein, shall be taken to mean and embrace all corporations, companies, individuals and association of individuals, their losses or receivers, owning or operating any railroad or part of a railroad in this State: *Provided however*, That the provisions of this act shall not apply to street railroads or to electric railroads of the class known as suburban or interurban railroads which operate cars in connection with street railroad lines, though extending also over private right-of-way, and "express company" shall mean all such corporations, companies and association of individuals, their lessees or receivers, as shall do the business of express companies on any railroad in this State.

Right of  
action not  
released  
hereby.

SEC. 23. This act shall not have the effect to release or waive any right of action by the State or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this State; and all penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to the recovery of any other.

Appropriation.

SEC. 24. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of seventy-five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act.

SEC. 25. All laws and parts of laws in conflict with this act are hereby repealed. <sup>Repeal.</sup>

SEC. 26. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. <sup>Constitutionality.</sup>

SEC. 27. That all provisions of this act and all penalties and forfeitures provided herein applicable to railroad companies shall likewise be applicable to express companies. <sup>Applicable to express companies.</sup>

Passed the House February 25, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 7, 1905.

## CHAPTER 82.

(H. B. No. 208)

### RELATING TO THE INCORPORATION, MANAGEMENT AND POWERS OF COMPANIES FOR OPERATING TOLL LOGGING ROADS, ETC.

AN ACT relating to the incorporation, management and powers of companies having for their object the building of toll logging roads, chutes, water ways and other ways for the transportation of logs and other timber products, and conferring upon such companies the power of eminent domain, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any two or more persons may incorporate a company, having for its principal object the construction, maintenance and operation of logging roads, chutes, flumes and artificial water courses, or water ways and other ways, for the transportation of logs and other timber products. Such corporation shall have power to acquire, hold, use and transfer all such real and personal property as shall be reasonably necessary for carrying on the business of such corporation. <sup>Incorporation and powers of.</sup>

SEC. 2. Such corporation shall have power to build, construct, maintain and operate logging roads, whether skid roads, railroads or any other kind, also chutes, flumes and artificial water courses, water ways and other ways, for the <sup>Further powers.</sup>

transportation of logs or any other timber products, together with all necessary yarding grounds, rollways and landings.

Transportation charges.

SEC. 3. After any such logging road, way, chute, flume or artificial water course or other improvements shall have been constructed, such company shall transport all timber products offered to it for carriage as its means of transportation are adapted to carry, and such company shall have the right to charge reasonable tolls for the use thereof, which tolls shall be uniform, having due regard to the portion or length of any such logging road, way, chute, flume, or artificial water course or other improvements used by any person. Such company shall have a lien for the amount of its reasonable tolls and charges upon any and all logs or other timber products transported by it over its logging road, way, chute, flume or artificial water course. Notice of such lien shall be filed, and the same shall be enforced, in the same manner as is now or may hereafter be provided for the filing and enforcement of liens on logs by boom companies.

Notice of lien.

"Quasi public" companies—condemnations by eminent domain, etc.

SEC. 4. Such companies shall be deemed *quasi* public companies and common carriers, and any such company shall have the right of eminent domain and shall have the right to appropriate and condemn lands and property for its use. Such right of condemnation and of eminent domain shall be exercised in the same manner as is now, or may hereafter be, provided by law for the condemnation of property by ordinary railroad corporations exercising the right of eminent domain: *Provided*, That the right of eminent domain shall not be exercised by any such corporation with respect to any residence. *And provided further*, That any property acquired by such corporation under the provisions of this act by the exercise of the right of eminent domain shall be used exclusively for the purposes of this act; and whenever the use of such property as herein contemplated shall cease for the period of one year, the property shall revert to the original owner, his heirs or assigns. Nothing in this act shall be construed to authorize the taking or damaging of any power plant constructed or being constructed for the creation or utilization of water power.

Emergency.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed the House February 14, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 83.

(H. B. No. 262)

## AMENDING ACT CREATING A BUREAU OF LABOR.

AN ACT to amend Sections 1 and 8 of an act entitled, "An act creating a Bureau of Labor, defining its duties, abolishing the office of Assistant Labor and Factory, Mill and Railway Inspector, repealing Chapter XXIX of the Laws of 1897; making an appropriation and declaring an emergency;" approved March 16, 1901.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section one of an act entitled "An act creating a Bureau of Labor, defining its duties, abolishing the office of Assistant Labor and Factory, Mill and Railway Inspector, repealing chapter XXIX of the laws of 1897; making an appropriation, and declaring an emergency," approved March 16, 1901, be and the same is hereby amended to read as follows: Section 1. A Commissioner of Labor <sup>Amendment—</sup> shall be appointed by the Governor, and said Commissioner <sup>Governor to appoint.</sup> of Labor, by and with the consent of the Governor, shall have power to appoint and employ such assistants as may be necessary to discharge the duties of said Commissioner of Labor; and said Commissioner of Labor, together with the Inspector of Coal Mines, shall constitute a Bureau of Labor. On the first Monday in April in 1897, and every four years thereafter, the Governor shall appoint a suitable person to act as Commissioner of Labor, and as Factory, Mill and Railroad Inspector, who shall hold office until his successor is appointed and qualified.

SEC. 2. That section eight of said act, approved March 16, 1901, be and the same is hereby amended to read as follows: Section 8. The salary of the Commissioner of <sup>Salary.</sup> Labor, provided for in this act shall be eighteen hundred (1800) dollars per annum, and he shall be allowed his actual and necessary traveling and incidental expenses; and any assistant of said Commissioner of Labor shall be paid for each full day service rendered by him, such compensation as the Commissioner of Labor may deem proper, but no such

assistant shall be paid to exceed four (\$4.00) dollars per day, and his actual and necessary traveling expenses.

Passed the House March 1, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 84.

(H. B. No. 129)

### PROVIDING FOR THE PROTECTION OF EMPLOYES OF FACTORIES AND MILLS.

AN ACT providing for the protection and health of employes in factories, mills or workshops, where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and prescribing a punishment for the violation thereof, and repealing an act entitled, "An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof," approved March 6, 1903, and repealing all other acts or parts of acts in conflict herewith.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That any person, firm, corporation or association operating a factory, mill or workshop where machinery is used shall provide and maintain in use, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employes therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screw, live rollers, conveyors, mangles in laundries and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employes therefrom, and with which the employes of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine, or any part thereof, is in a defective condition, and its opera-

Belt shifters,  
and  
safeguards.

Use of  
defective  
machines  
prohibited.

tion would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

SEC. 2. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an enclosed room (private houses in which the employes live, excepted) shall be provided in each work room thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on in any enclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

SEC. 3. The openings of all hoist-ways, hatch-ways, elevators and well holes and stairways in factories, mills, workshops, storehouses, warerooms or stores, shall be protected where practicable, by good and sufficient trap-doors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

SEC. 4. It shall be the duty of the Commissioner of Labor, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, as hereinafter provided.

SEC. 5. Any person, firm, corporation or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said Commissioner of Labor to inspect any factory, mill or

Ventilation  
and sanitary  
conditions.

Trap doors—  
hatches, etc.

Duty of  
commissioner  
of labor.

Requests for  
inspection.

workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said Commissioner of Labor by himself, or his deputy, shall forthwith make said inspection. Upon receiving such application the Commissioner of Labor shall issue to the person making the same, an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment, by said Commissioner of Labor, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said Commissioner of Labor.

Notification of  
defects, by  
employees.

SEC. 6. Any employe of any person, firm, corporation or association shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works and plants, with which or in about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employe, and if said employer shall fail to remedy such defects then said employe may complain in writing to the Commissioner of Labor of any such alleged defects in or failure to guard the machinery appliances, ways, works and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employe is working, and upon receiving such complaint, it shall be the duty of the Commissioner of Labor, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Inspection.

SEC. 7. Whenever upon any examination or re-examination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said Commissioner of Labor to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be *prima facie* evidence as long as it continues in force, of compliance on the part of the person, firm, corporation, or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said Commissioner of Labor

Certificate  
*prima facie*  
evidence of  
compliance.



at any time upon written notice to the person, firm, corporation or association holding the same, whenever in his opinion after re-examination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or store to which the provisions of this act are applicable. If, in the judgment of said Commissioner of Labor, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said Commissioner of Labor, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with, within a period of thirty days after said requirements have been served as aforesaid, the said Commissioner of Labor shall forthwith issue such certificate; but if the person, firm or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said Commissioner of Labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said Commissioner of Labor have been served upon him, appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the Commissioner of Labor. Such appeal shall be in writing, addressed to the Commissioner of Labor and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the Commissioner of Labor to appoint a competent person as arbitrator resident in the County from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the

Copy of  
certificate  
to be posted.

Service of  
notice of  
requirements.

Appeal—  
in writing.

Duty of  
commissioner  
upon appeal.

Expense of  
arbitration.

Commissioner of Labor, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said Commissioner of Labor or any part thereof, said applicant shall within thirty days, comply with the findings of said arbitrators, and thereupon the said Commissioner of Labor shall issue his certificate as hereinbefore provided (in section four of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said Commissioner of Labor; and any such person, firm, corporation or association shall within thirty days, after the finding of the board of arbitrators, comply with the requirements of the Commissioner of Labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said Commissioner of Labor shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section four of this act: *Provided however*, That before any certificate shall be issued by said Commissioner of Labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the Treasurer of the State of Washington, an annual fee of ten dollars, and take his receipt therefor. Upon presentation of said receipt to said Commissioner of Labor, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom, or store, and the machinery and appliances contained in any such premises, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury and be converted into a special factory inspection fund, from which special fund shall be paid the Deputy Labor Commissioners required to enforce the provisions of this act. Said Deputy Labor Commissioners shall be paid from the special factory inspection fund, upon the presentation of vouchers properly signed by the Labor Commissioner in the same manner in which other employees of the State are paid.

Annual fee  
and  
certificate.

Salary of  
deputy—  
how paid.

SEC. 8. Any person, firm, corporation or association who violates or omits to comply with any of the foregoing re-

quirements or provisions of this act, and such violation or omission shall be the proximate cause of any injury to any employe, shall be liable in damages to any employe who sustains injuries by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or on account of injuries received by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of seven thousand five hundred dollars.

Penalty for violations.

SEC. 9. No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within six months, and the action is commenced within one year, from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section he may give the same within ninety (90) days after such incapacity is removed, and in case of his death without having given the notice because of mental or physical incapacity, his executor, or administrator may give such notice within thirty days after his appointment.

Actions—maintenance of.

SEC. 10. Nothing in this act contained shall prevent any person from bringing an action under any other statute or act or at common law for any personal injuries received by him; and in that event the certificate provided for herein shall not be admitted in evidence in such suit or action.

Actions under another statute.

SEC. 11. Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Penalty.

SEC. 12. A copy of this act, together with the name and address of the Commissioner of Labor, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom or store, and at the office of every public and private work to which the provisions of this act are applicable, upon the same being supplied to the operators, owners, lessee, or occupants, of such places with sufficient copies thereof by the Commissioner of Labor.

Copy of act, to be kept posted.

Repeal.

SEC. 13. That an act entitled "An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof," approved March 6, 1903, and all acts and parts of acts in conflict herewith shall be and the same hereby are repealed.

Passed the House March 1, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 85.

(H. B. No. 177)

### AMENDING CODE OF PUBLIC INSTRUCTION RELATIVE TO NORMAL SCHOOLS.

AN ACT amending Sections 215, 220, 221, 222 and 223 of the Code of Public Instruction, relating to the Normal Schools.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 215 of the Code of Public Instruction be amended to read as follows: Section 215. Each board of trustees shall have power, and it shall be its duty:

Duties of board.

*First.* To elect a principal for such period as it may determine, and to elect such other teachers and assistants as the necessities of the school may require.

Principal.

Librarian.

*Second.* To provide a librarian for the school who shall have charge of all books, magazines and pamphlets thereof, under such regulations as may be provided by the law, or by the by-laws of the Board of Trustees; also to choose a janitor and such other employes as may become necessary, and for good and lawful reasons to discharge any or all such teachers and employes.

Text books.

*Third.* To adopt the necessary text books, and to provide books of reference for the use of students and teachers, and to provide for the proper care of same.

Buildings.

*Fourth.* To have charge of the erection of all buildings pertaining to the school, unless otherwise expressly provided, and to have the care and management of all buildings and other property belonging to the school.

*Fifth.* To audit all accounts against the school, and to <sup>Accounts.</sup> certify all bills, which may be allowed, to the State Auditor, who shall draw warrants on the State Treasurer for such amounts as he shall find to have been properly or legally allowed.

*Sixth.* To purchase all supplies for the use of the school, <sup>Supplies.</sup> to provide a library suited to its wants, to provide for lectures on subjects pertaining to education and the art or science of teaching, and to do such other things not forbidden by law as may become necessary for the good of the school.

SEC. 2. That Section 220 of the Code of Public Instruction be amended to read as follows: Section 220. Every <sup>Diplomas and certificates—  
what to show.</sup> diploma of graduation from a State normal school, or certificate issued therefrom, shall be signed by the president of the Board of Trustees and by the principal of the normal school at which the holder graduated, and by the president of the State Board of Education; and all diplomas and certificates shall be stamped with the seal of the State Board of Education. Every diploma and certificate shall specially state what course of study the holder has taken, and for what length of time said diploma or certificate is valid as a certificate to teach in the schools of this State.

SEC. 3. That Section 221 of the Code of Public Instruction be amended to read as follows: Section 221. No <sup>Free tuition.</sup> charge shall be made against any student for tuition in any of the normal schools contemplated by this act: *Provided*, That said student upon entrance into any one of said schools shall certify upon honor that it is his intention to pursue the vocation of teaching; *Provided*, That any applicant, instead of signing this obligation, may pay in advance a tuition fee of ten dollars for each semester. All students shall be required to furnish satisfactory evidence of good moral <sup>Requirements  
of students.</sup> character, and any student may be suspended or expelled from any State normal school contemplated by this act, who is found to be immoral, or who has refused to comply with its rules and regulations or its government.

SEC. 4. That Section 222 of the Code of Public Instruction be amended to read as follows: Section 222. The <sup>Courses of  
study.</sup> board of higher education shall prescribe courses of study for the normal schools of the State as follows: (1) An elementary course of two years; (2) A secondary course of two years; (3) Advanced courses of two years: (4) A

Elementary  
Certificates.

Secondary  
certificates.

"Normal  
school"  
Diplomas.

Life  
certificates.

Revocation of  
certificates.

Providing  
books and  
supplies.

Fee for  
library.

complete course of five years; (5) An advanced course of one year for graduates from colleges and universities. Upon the satisfactory completion of any one of these courses a student shall be awarded an appropriate certificate or diploma as follows: Upon the completion of the elementary course, a certificate to be known as an elementary normal school certificate, which shall authorize the holder to teach in any elementary school in the State for a period of two years; upon the completion of the secondary course a certificate to be known as a secondary normal school certificate, which shall authorize the holder to teach in the common schools of the State for a period of five years; upon the completion of any advanced course, a diploma to be known as a normal school diploma which shall authorize the holder to teach in the common schools of the State for a period of five years; and upon satisfactory evidence of having taught successfully for two years during the time for which the diploma was issued shall receive a life certificate issued by the State Board of Education. Upon the completion of the work of the junior year any student may be given a secondary normal school certificate by vote of the faculty: *Provided*, That no one shall receive a diploma or secondary normal school certificate who has not attained the age of nineteen years, and attended the same State normal school one full school year of thirty-six weeks: *Provided further*, That no one shall receive a secondary normal school certificate or a normal school diploma who has not given evidence of ability to teach and govern a school by successful practice in the training department for a period of not less than eighteen weeks: *Provided*, That any of the foregoing diplomas or certificates may be revoked by the State Board of Education for incompetency, immorality or unprofessional conduct. The Board of Higher Education shall also prescribe uniform terms of admission to, and graduation from, the State normal schools, and shall define the qualifications for admission to each of the several courses.

SEC. 5. That Section 223 of the Code of Public Instruction be amended to read as follows: Section 223. The Board of Trustees may provide out of the funds appropriated for the purpose, such text-books and supplies as are needful for successfully carrying into effect the courses of study prescribed. Each student upon admission to the school may be required to pay into the library fund of the school

a sum not to exceed ten dollars, one-half of which shall be applied to the support of the general library and reading room, and the remaining half shall be kept as indemnity for loss or damage of books belonging to the school in the hands of the student, and shall be returned to him after deducting such amount which may be justly charged for all loss or damage beyond reasonable wear.

Passed the House February 21, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 86.

(H. B. No. 219)

### AMENDING ACT OF 1891 RELATIVE TO FORCIBLE ENTRY AND DETAINER.

AN ACT amending Sections 3, 5, 11 and 12 of an act entitled, "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 3 of an act entitled, "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891, be amended to read as follows:

Section 3. A tenant of real property for a term less than life is guilty of unlawful detainer either (1) when he holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him. In all cases where real property is leased for a specified term or period by express or implied contract, whether written or by parole, the tenancy shall be terminated without notice at the expiration of such specified term or period; or (2) when he having leased real property for an indefinite time, with monthly or other periodic rent reserved continues in possession thereof, in person or by subtenant, after the end of any such month or

*Definition.*

*Termination of tenancy.*

*Leasehold tenancy.*

period, in cases where the landlord, more than twenty days prior to the end of such month or period, shall have served notice (in manner in this act provided), requiring him to quit the premises at the expiration of such month or period.

Default of  
rent, etc.

(3) When he continues in possession in person or by sub-tenant after a default in the payment of any rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner hereafter in this act provided) in behalf of the person entitled to the rent upon the person owning the same, shall have remained uncomplied with for the period of three days after service thereof. Such notice may be served at any time after the rent becomes due; or (4) when he continues in possession in person or by subtenant after a neglect or failure to keep or perform any other condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sub-let, than one for the payment of rent, and after notice in writing requiring

Notice—  
when to be  
served.

.....in the alternative the performance of such condition or covenant or the surrender of the property, served (in the manner provided in this act) upon him, and if there be a sub-tenant in actual possession of the premises, also upon such sub-tenant, shall remain uncomplied with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any sub-tenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture; or (5) when he commits or permits waste upon the demised premises, or when he sets up or carries on therein or thereon any unlawful business, or when he erects, suffers, permits or maintains on or about said premises any nuisance, and remains in possession after service (in manner in this act provided) of three days notice to quit upon him.

Waste upon  
demised  
premises.

(6) Any person who shall, without the permission of the owner and without having any color of title thereto, enter upon the land of another and who shall fail or refuse to remove therefrom after three days notice, in writing, to be served in the manner provided in this act.

Failure to quit  
possession.

Notices—how  
to be served.

SEC. 2. That Section 5 of said act be amended to read as follows: Section 5. Any notice provided for in this act shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he be absent from



the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his place of residence is not known, or if a person of suitable age and discretion there can not be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a sub-tenant may be made in the same manner: *Provided*, That in cases where the tenant, or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders or persons renting such rooms shall not be considered as sub-tenants within the meaning of this act, but all such persons may be served by affixing a copy of the notice to be served on two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this act may be had upon a corporation by delivering a copy thereof to any officer, agent or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions.

SEC. 3. That Section 11 of said act be amended to read as follows: Section 11. The Sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, within which time the defendant, or those in possession of the premises, may execute to the plain-

**Defendant's  
bond.**

**Service of  
writ.**

**Application  
for court's  
order.**

**Evidence.**

**Bondsmen to  
be present.**

tiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with two or more sureties to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the demised premises, by affixing a copy of said writ in a conspicuous place upon the demised premises.

SEC. 4. That Section 12<sup>o</sup> of said act be amended to read as follows: Section 12. The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the court or any judge thereof for an order raising or lowering the amount of any bond in this act provided for. Either party may, upon like notice, apply to the court or any judge thereof for an order requiring additional or other surety or sureties upon any such bond. Upon the hearing or any application made under the provisions of this section evidence may be given. The judge after hearing any such application shall make such an order as shall be just in the premises. The bondsmen may be required to be present at such hearing if so required in the notice thereof, and shall answer under oath all questions that may be asked them touching their qualifications as bondsmen, and in the event the bondsmen shall fail or refuse to appear at such hearing and so answer such questions the bond shall be stricken. In the event the court shall order a new or additional bond to be furnished by defendant, and the same shall not be given within twenty-four hours, the court shall order the sheriff to forthwith execute the writ. In the event the defendant shall file a second or additional bond and it shall also be found insufficient after hearing, as above provided, the right

to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the ~~Possession.~~ premises.

Passed the House February 14, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 6, 1905.

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## CHAPTER 87.

(H. B. No. 252)

### AMENDING ACT OF 1895 FOR CREATION OF DIKING DISTRICTS.

AN ACT to amend Sections three and twenty-seven of an act entitled, "An act to provide for the establishment and creation of Diking Districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20, 1895.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section three of an act of the Legislature approved March 20, 1895, entitled "An act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," be and the same is hereby amended to read as follows: Section 3. Said petition shall be presented at a <sup>Petition.</sup> regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county

commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing, said board of county commissioners shall make such changes in the proposed boundaries as they deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed system of dikes, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed diking system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the land included within the said boundaries of said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines to include any territory outside of the boundaries described in said petition; *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons, or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended to include other lands described therein; setting forth in said petition the reason therefor; but no person, persons, or corporations not owning lands included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided*, Any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any diking district heretofore or hereafter established may be extended by the board of county commissioners to include other lands in said county; upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain, with reference to the extension, such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original diking district;

Boundaries.

Extension of  
boundaries.

*Provided further*, That all necessary expense incident to making such extension, together with a proportionate share of the first cost of any system of dikes existing in the original diking district at the time of making such extension, shall be levied against and apportioned to the land included in such extension, as in this act provided. In such case, the board of county commissioners shall give like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time, for a period of not exceeding sixty days; and if, upon final hearing, the board of county commissioners deem it advisable and to the best interests of all concerned, they may grant the prayer of said petitioners in whole or in part, and said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard upon the final hearing thereof.

SEC. 2. That section twenty-seven of said act be and the same is hereby amended to read as follows: Section 27. The board of commissioners of any diking district organized under the provisions of this act shall, on or before the first day of November, of each year, make an estimate of the cost of maintenance of the diking system in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be for the succeeding year, and the amount so estimated shall be certified by the board of . . . . . commissioners to the auditor of the county in which such district is located, on or before said date, and the amount thereof shall be levied against and apportioned to the land in such district benefited by said improvement, in proportion to the maximum benefit originally assessed, and such amount shall be added to the general taxes against said lands, and collected therewith.

Passed the House February 20, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 88.

(H. Sub. B. No. 38)

## RELATIVE TO USE OF STATE WATERS FOR IRRIGATION PURPOSES.

AN ACT relating to the appropriation of waters of the State for irrigation purposes, granting to the United States the right to exercise the power of eminent domain in acquiring lands, water and other property for rights of way, and for reservoirs and other irrigation works, granting to the United States certain rights in State lands and in the waters of the State, relating to water users' associations, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

Eminent  
domain  
granted to  
United States.

SECTION 1. The United States is hereby granted the right to exercise the power of eminent domain to acquire the right to the use of any water, to acquire or extinguish any rights, and to acquire any lands or other property, for the construction, operation, repairs to, maintenance or control of any plant or system of works for the storage, conveyance, or use of water for irrigation purposes, and whether such water, rights, lands or other property so to be acquired belong to any private party, association, corporation or to the State of Washington, or any municipality thereof; and such power of eminent domain shall be exercised under and by the same procedure as now is or may be hereafter provided by the law of this State for the exercise of the right of eminent domain by ordinary railroad corporations, except that the United States may exercise such right in the proper court of the United States as well as the proper state court.

Rights of  
United States.

SEC. 2. The United States shall have the right to turn into any natural or artificial water course, any water that it may have acquired the right to store, divert, or store and divert, and may again divert and reclaim said waters from said water course for irrigation purposes subject to existing rights.

SEC. 3. Whenever the Secretary of the Interior of the United States, or any officer of the United States duly authorized, shall notify the commissioner of public lands of this State that pursuant to the provisions of the act of

Congress approved June 17, 1902, entitled, "An act appropriating the receipts from the sale and disposal of public lands in certain states and territories to the construction of irrigation works for the reclamation of arid lands," or any amendment of said act or substitute therefor, the United States intends to make examinations or surveys for the utilization of certain specified waters, the waters so described shall not thereafter be subject to appropriation under any law of this State for a period of one year from and after the date of the receipt of such notice by such commissioner of public lands; but such notice shall not in any wise affect the appropriation of any water theretofore in good faith initiated under any law of this State, but such appropriation may be completed in accordance with the law in the same manner and to the same extent as though such notice had not been given. No adverse claim to any of such waters initiated subsequent to the receipt by the commissioner of public lands of such notice shall be recognized, under the laws of this State, except as to such amount of the waters described in such notice or certificate hereinafter provided as may be formally released in writing by a duly authorized officer of the United States. If the said Secretary of the Interior or other duly authorized officer of the United States shall, before the expiration of said period of one year, certify in writing to the said commissioner of public lands that the project contemplated in such notice appears to be feasible and that the investigation will be made in detail, the waters specified in such notice shall not be subject to appropriation under any law of this State for the further period of three years following the date of receipt of such certificate, and such further time as the commissioner of public lands may grant, upon application of the United States or some one of its authorized officers and notice thereof first published once in each week for four consecutive weeks in a newspaper published in the county where the works for the utilization of such waters are to be constructed, and if such works are to be in or extend into two or more counties, then for the same period in a newspaper in each of such counties: *Provided*, That in case such certificate shall not be filed with said commissioner of public lands within the period of one year herein limited therefor the waters specified in such notice shall, after the expiration of said period of one year, become unaffected by such notice and subject to ap-

Exemption  
from appro-  
priation for  
one year.

Adverse  
claims.

Further  
exemption  
for 3 years.

Provision as to failure to construct works.

appropriation as they would have been had such notice never been given: *And provided further*, That in case such certificate be filed within said one year and the United States does not authorize the construction of works for the utilization of such waters within said three years after the filing of said certificate, then the waters specified in such notice and certificate shall, after the expiration of said last named period of three years, become unaffected by such notice or certificate and subject to appropriation as they would have been had such notice never been given and such certificate never filed.

Contract for construction.

SEC. 4. Whenever said Secretary of the Interior or other duly authorized officer of the United States shall cause to be let a contract for the construction of any irrigation works, or any works for the storage of water for use in irrigation, or any portion or section thereof, for which the withdrawal has been effected as provided in section 3 of this act, any authorized officer of the United States, either in the name of the United States or in such name as may be determined by the Secretary of the Interior, may appropriate, in behalf of the United States, so much of the unappropriated waters of the State as may be required for the project, such appropriation to be made, maintained and perfected in the same manner and to the same extent as though such appropriation had been made by a private person, corporation or association, except as to the time for the initiation, prosecution and completion of the necessary works for the utilization of the waters so appropriated; which time shall be controlled by the provisions of section 3 of this act. Such appropriation by or on behalf of the United States shall inure to the United States, and its successors in interest, in the same manner and to the same extent as though said appropriation had been made by a private person, corporation or association. The title to the beds and shores of any navigable lake or stream utilized by the construction of any reservoir or other irrigation works created or constructed as a part of such appropriation hereinbefore in this section provided for, shall vest in the United States to the extent necessary for the maintenance, operation and control of such reservoir or other irrigation works.

Title to vest in United States.

SEC. 5. When the notice provided for in section 3 of this act shall be given to the commissioner of public lands the proper officers of the United States may file with the



said commissioner a list of lands (including in the term <sup>List of lands—where filed.</sup> “lands” as here used, the beds and shores of any lake, river, stream, or other waters) owned by the State, over or upon which the United States may require rights-of-way for canals, ditches or laterals or sites for reservoirs and structures therefor or appurtenant thereto, or such additional rights-of-way and quantity of land as may be required for the operation and maintenance of the completed works for the irrigation project contemplated in such notice, and the filing of such list shall constitute a reservation from the sale or other disposal by the State of such lands so described, which reservation shall, upon the completion of such works and upon the United States by its proper officers filing with the commissioner of public lands of the State a description of such lands by metes and bounds or other definite description, ripen into a grant from the State to the United States. The State, in the disposal of lands granted from the United States to the State, shall reserve for the United States rights-<sup>Rights-of-way reserved.</sup> of-way for ditches, canals, laterals, telephone and transmission lines which may be required by the United States for the construction, operation and maintenance of irrigation works.

SEC. 6. After the receipt by the commissioner of public lands of the notice from the Secretary of the Interior or other officer of the United States provided for in section 3 <sup>Restricted sale.</sup> of this act, no lands belonging to the State, susceptible of irrigation and within the area to be irrigated from the works projected by the United States and specified in such notice shall be sold except in conformity to the classification of farm units by the United States, and the title to such lands shall <sup>Title.</sup> not pass from the State until the applicant therefor shall have fully complied with the provisions of the laws of the United States and the regulations thereunder concerning the acquisition of the right to use water from such works and shall produce the evidence thereof duly issued: *Provided*, That the restrictions upon the sale or other disposal by the State of any state lands provided for in this section shall continue for the same periods, respectively, and upon the same conditions, as specified in section 3 of this act for the withdrawal of waters from appropriation: *And provided further*, That in case the authorization by the United States for the construction of irrigation works pursuant to section 3 of this act shall be made within the period of three years

specified therefor in said section, then the restrictions upon and conditions prescribed for the sale or other disposal of said lands in this section shall continue so long as any such lands shall remain unsold or not disposed of.

Exemptions  
from tax—  
annual fee.

SEC. 7. That any water users' association which is organized in conformity with the requirements of the United States under said act of Congress, and which under its articles of incorporation is authorized to furnish water only to its stockholders, shall be exempt from the payment of any incorporation tax, and from the payment of any annual franchise tax; but shall be required to pay, as preliminary to its incorporation, only a fee of twenty dollars for the filing and recording of its articles of incorporation and the issuance of certificate of incorporation.

County  
auditor to  
provide record  
and stock  
books.

SEC. 8. It shall be the duty of the county auditor to provide record books containing printed forms of the articles of incorporation and stock subscriptions to the stock of water users' associations organized in conformity with the requirements of the United States under said act of Congress, and to use such books for recording stock subscriptions of such associations; and the charges for the recording thereof shall be made on the basis of the number of words actually written therein and not for the printed form.

Emergency.

SEC. 9. An emergency exists and this act shall take effect immediately.

Passed the House February 28, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 4, 1905.

## CHAPTER 89.

(S. B. No. 177)

## CREATING THE COUNTY OF BENTON.

AN ACT to create the County of Benton, subject to the requirements of the State Constitution and Statutes in respect to the establishment of new counties.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. All those portions of the Counties of Yakima and Klickitat described as follows, to-wit: Beginning at the point of intersection of the middle of the main channel of the Columbia river with the township line between township thirteen, north range twenty-three east, and township thirteen, north range twenty-four east, Willamette Meridian; thence running south along the township lines, being the line between range twenty-three east and range twenty-four east to the line between Yakima County and Klickitat County; thence south along the township lines along the line between ranges twenty-three east and twenty-four east, to the point of intersection with the middle of the main channel of the Columbia river, or to its intersection with the lines between the States of Washington and Oregon; thence northeasterly, northerly and northwesterly and westerly along the middle of the main channel of the Columbia river and up said stream, following the line between Klickitat County and the State of Oregon, and the County of Walla Walla and the line between Yakima County and Walla Walla County, Franklin County and Douglas County, to the places of beginning,—shall be and hereby is created and established as the County of Benton: *Provided, however,* That said Benton County is hereby created as aforesaid, subject to the requirements of the constitution of the State of Washington in respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance as hereinafter provided, and that the creation of said Benton County hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

Description—  
Yakima and  
Klickitat  
counties.

SEC. 2. At any time within three months after this act

Petition and  
bond.

shall take effect, any qualified voter living in any portion of Yakima or Klickitat Counties embraced within the boundaries of Benton County as hereinbefore defined, may present to the Governor of the State of Washington, a petition addressed to said Governor in substance, that the signers of such petition are a majority of the voters living in the portions of Klickitat and Yakima Counties embraced within the boundaries of Benton County as defined within this act, and praying that in case it shall be found that the constitutional provisions relating to the creation of new counties have been complied with, that the County of Benton shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to the superior judge to whom said petition shall be transmitted by the Governor to be approved by said superior judge, in the sum of \$1000.00 to cover costs of proceedings under this act, and in case the said county shall not be established.

Governor to  
transmit peti-  
tion to judge  
of Yakima  
county.

SEC. 3. The Governor shall forthwith transmit said petition to the superior judge of Yakima County and the said superior judge shall within thirty days thereafter examine said petition and ascertain whether said petition bears the signature of persons living within the territory of Benton County and entitled to vote therein, in number equal to a majority of the votes cast by voters living within said territory at the last preceding general election, as nearly as the number of such voters voting at such preceding election can be ascertained; if the judge finds the petition sufficiently signed, then the said judge shall ascertain to his satisfaction, upon evidence received in open court, that the striking therefrom of the territory proposed to be set over into Benton County will not reduce the remaining population of said Yakima County or Klickitat County or either of them respectively to a population of less than four thousand, and that such territory so proposed to be set over contains a population of two thousand or more: *Provided, however*, That the judge may in his discretion appoint an elector or electors who shall be a free holder, residing within the territory of Benton County, to take a special enumeration of the population of the Counties of Yakima and Klickitat or of any part thereof which he may desire so that it will show separately the number of the population living in such portion thereof within the boundaries of Benton County, and living in the rest of said Counties of Yakima and Klickitat. It shall be

Census of  
new county.

the duty of the person or persons so appointed to qualify by filing with such court an oath that he will take such enumeration truly and impartially, and therefrom he or they shall take such enumeration and return the same verified by his affidavit to the effect that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portions of such county as to which the same relates, in such court, and to file the same in such court within one month after such enumeration has been completed.

SEC. 4. If it shall be shown to the satisfaction of such judge of the superior court of Yakima County that there are two thousand or more inhabitants within the boundaries herein set forth for the County of Benton, and that there shall remain four thousand or more inhabitants in the remaining portion of Yakima and Klickitat Counties respectively, thereupon he shall make a decree setting forth the fact that the provisions of the Constitution of the State of Washington have been complied with. Upon the filing of such decree it shall be the duty of the clerk of such court to make and transmit to the board of county commissioners of Yakima and Klickitat Counties respectively, a certified copy thereof, and also a certified copy thereof to the Governor of the State, and to the Secretary of State.

Decree—  
filed with  
Governor and  
Secretary of  
State.

SEC. 5. Immediately upon receipt of said certified copy of the decree of the superior court of Yakima county, the Governor shall make a proclamation declaring the County of Benton fully established.

Governor's  
proclamation.

SEC. 6. The County of Benton shall assume and pay to the Counties of Yakima and Klickitat respectively, its proportion of the bonded and warrant indebtedness of each of said counties respectively, in the proportions that assessed valuation of that part of Benton County lying within the present boundaries of Yakima and Klickitat Counties respectively, bears to the assessed valuation of the whole of Yakima and Klickitat Counties respectively. The adjustment of said indebtedness shall be based upon the assessment for the year 1904: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county building which shall fall within and be retained by the other county.

Assumption of  
share of  
bonded debt—  
how based.

County seat  
at Prosser.

SEC. 7. The county seat of said Benton County is hereby located at the town of Prosser, and shall there remain until the same shall be removed in accordance with the provisions of law.

Twenty-second  
class.

SEC. 8. Until otherwise classified said County of Benton is hereby designated as belonging to the twenty-second class.

First board of  
county com-  
missioners—  
term of—  
oath and  
qualifications

SEC. 9. Carl A. Jenson, W. P. Simms and J. W. Carey, all being residents within the herein proposed County of Benton, shall be the first board of county commissioners of said Benton County, and they shall hold office until the second Monday in January, 1907, and until their successors are elected and qualified, and shall meet at the county seat of said Benton County within thirty days from the date of the Governor's said proclamation, as hereinbefore provided, and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bond in the manner provided by law; *Provided, however,* That if any of the above named commissioners shall fail to qualify within the time specified, then the Governor shall appoint a *bona fide* resident and qualified elector of said Benton County to fill the vacancy.

Division of  
county.

SEC. 10. Such commissioners shall divide their county into precincts, townships and districts, as provided for by the laws then existing, making only such changes as are rendered necessary by the altered condition of the boundaries occasioned by the segregation from the original counties.

Officers, in old  
boundaries to  
retain office.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and qualified, and shall give bonds to Benton County of the same amount and in the same manner as had previously been given to the original county.

Commissioners  
to appoint  
county  
officers.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all of the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their office immediately upon their appointment and qualification according to law and shall hold their offices until the second Monday of January, 1907, or until their successors are elected and qualified.

SEC. 13. Until otherwise provided by law, said Benton County shall be and hereby is attached to the district composed of Yakima, Kittitas and Franklin Counties, for judicial purposes.

Judicial district.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the County of Benton, by an order duly entered in the minutes of their proceedings, shall divide Benton County into three commissioner's districts in the manner provided by law, and shall designate the boundaries thereof, and at the next general election in said county there shall be elected three commissioners, one from each of said districts; the commissioner for district number one to be elected for four years and the commissioner for districts number two and three for two years.

Division of county, into commissioners' districts.

SEC. 15. For the purpose of representation in the Legislature until otherwise provided by law, the County of Benton shall be included in the fifteenth senatorial district and shall constitute the 58th representative district, and entitled to one representative.

15th senatorial—58th representative districts.

SEC. 16. Until the County of Benton is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Yakima and Klickitat Counties respectively, shall remain in full force and effect in those portions of the territory constituting the said County of Benton, lying within the boundaries of said Yakima and Klickitat Counties respectively.

Jurisdiction of present officers.

SEC. 17. Within such time as they shall be transcribed after the Governor's proclamation, as hereinbefore provided, the county auditors of Yakima and Klickitat Counties, respectively, shall certify from the records of said counties respectively all records and all papers and documents on file in any wise affecting the title to any estate or property, real or personal, situated within the County of Benton, and the county commissioners of Benton County shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed and shall transcribe said records as hereinafter provided, in legible writing, and said record books and papers shall be delivered to the auditor of Benton County, and said records and documents so transcribed shall be accepted and received as evidence in all courts and places as if the same had been

Certifications by auditors of Yakima and Klickitat counties.

originally recorded or filed in the office of the auditor of Benton County.

Pending  
actions and  
proceedings—  
civil or  
criminal.

SEC. 18. All actions and proceedings which shall be pending in the superior courts of Yakima and Klickitat Counties at the time of the Governor's proclamation herein-before referred to, affecting the title or possession of real estate in Benton County, or in which one or all the parties are residents of Benton County shall be transferred to the superior court of Benton County, and all further proceedings had therein shall be in Benton County, the same as if originally commenced in that county. All other proceedings, civil or criminal now pending in the superior courts of Yakima and Klickitat Counties shall be prosecuted to termination thereof in the superior courts of Yakima and Klickitat Counties respectively.

Transfer of  
records—  
when.

SEC. 19. All pleadings, process, documents and files, in the offices of the county clerks of Yakima and Klickitat Counties affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed as herein-after provided and certified by the county clerks of Yakima and Klickitat Counties respectively, and transmitted to the county clerk of Benton County, after said clerk shall have entered upon the duties of said office.

Transcripts  
of title—  
transfer of.

SEC. 20. All records, papers and documents of record or on file in the office of the county clerks, county auditors and all other officers of Yakima and Klickitat Counties respectively, in anywise affecting the title or possession of real estate or other property in Benton County, and required to be transcribed shall be transcribed and transmitted to the county clerk, county auditor or other officer of Benton County by such person or persons as may be employed by the County of Benton for such purpose under the certificates of the county clerks, county auditors and other officers of Yakima and Klickitat Counties respectively, and said records and documents when so transcribed and transferred, shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the County of Benton.

Transcrib-  
ing—by  
whom done.

SEC. 21. All records of Yakima and Klickitat Counties required by this act to be transcribed shall be transcribed by a person or persons to be employed by the board of county commissioners of Benton County, as follows, to-wit: Said transcribing shall be done by a person or persons under con-



tract who shall receive said contract after bids for said work shall have been advertised and the contract given to the best bidder; all records so transcribed shall be certified by the officer of the respective office from which said record shall be transcribed, under the seal of his office, in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Yakima or Klickitat Counties, as the case may be, contained therein, described in the certificate the office in Yakima or Klickitat County from which the same are transcribed and each officer so certifying shall finally certify to the completeness of all records so transcribed from his office. Certified records.

Passed the Senate February 20, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 8, 1905.

## CHAPTER 90.

(S. B. No. 184)

### APPROPRIATION FOR MAINTENANCE OF BOARD OF CONTROL AND THE STATE INSTITUTIONS UNDER THEIR SUPERVISION.

AN ACT making appropriations for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the various State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1905, and ending March 31, 1907.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The following sums, or so much thereof as <sup>For fiscal term to April 1, 1907.</sup> shall severally be found necessary, are hereby appropriated, out of any moneys in the State treasury, not otherwise appropriated, for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1905, and ending March 31, 1907:

## SESSION LAWS, 1905.

## FROM THE GENERAL FUND.

## FOR WESTERN WASHINGTON HOSPITAL FOR INSANE.

For maintenance at 36½c per day per capita.....	\$230,000.00
Building fund .....	101,000.00
Increasing capacity of heating system.....	2,000.00
Repairs and improvements.....	5,000.00
Repairs to toilets and bath rooms.....	5,000.00
Furniture and carpets.....	4,000.00
Library fund .....	200.00
Transportation fund .....	1,000.00
Total.....	\$348,200.00

## FOR EASTERN WASHINGTON HOSPITAL FOR INSANE.

For maintenance at 42½c per day per capita.....	\$147,000.00
Building fund .....	55,000.00
Repairs and improvements.....	2,500.00
Furniture and carpets.....	2,500.00
Library fund .....	200.00
Improvement of grounds .....	1,000.00
Transportation fund .....	500.00
Total.....	\$208,700.00

## FOR STATE PENITENTIARY.

For maintenance at 32½c per day per capita.....	\$190,000.00
Building and increasing cell room.....	20,000.00
Repairs and improvements .....	3,000.00
Library fund .....	200.00
Total.....	\$213,200.00

## FOR STATE REFORM SCHOOL.

For maintenance at 35c per day per capita.....	\$ 45,000.00
Repairs and improvements.....	5,000.00
Manual training .....	1,000.00
Library fund .....	200.00
For Chaplain's salary for ensuing two years.....	2,400.00
Total.....	\$53,600.00

## FOR STATE SOLDIERS' HOME.

For maintenance at 50c per day per capita.....	\$ 45,000.00
Hospital building and guard house.....	10,000.00
Repairs and improvements (to include completion of dormitory) .....	5,000.00
Furniture and carpets, kitchen utensils and dishes.....	1,500.00
Increasing capacity of heat and light plant.....	5,000.00
Library fund .....	200.00
Total.....	\$68,700.00

## FOR STATE SCHOOL FOR DEFECTIVE YOUTH.

For maintenance at 60c per day per capita.....	\$ 45,000.00
Repairs and improvements.....	3,000.00
Library fund .....	200.00
For gymnasium .....	300.00
Total.....	\$48,500.00

## FOR STATE INSTITUTION FOR FEEBLE MINDED.

For maintenance .....\$85,000.00

## FOR STATE BOARD OF CONTROL.

Salary State Board of Control (\$2,000 per year each).....	\$12,000.00
Traveling expenses Board of Control (\$500 per year each)....	8,000.00
Incidental expenses Board of Control (\$500 per year).....	1,000.00
Salary Secretary to Board of Control ; Salary Clerk to Board of Control .....	4,000.00
<b>Total.....</b>	<b>\$20,000.00</b>

## FROM REVOLVING FUND, STATE PENITENTIARY.

For the operation of the Jute Mill and Brick Yard at the  
State Penitentiary for two years.....\$150,000.00

## INCIDENTALS FROM THE GENERAL FUND.

For the construction of a bridge across Medical Lake.....\$	500.00
For right-of-way for water pipe.....	200.00
For right-of-way for road.....	200.00
For furnishing coffins for burial of deceased veterans from March 12, 1901, to April 1, 1908.....	282.95
<b>Total.....\$</b>	<b>1,182.95</b>

SEC. 2. The State Auditor is hereby authorized to audit all claims and, if found correct, to issue warrants upon the State Treasurer in payment of bills duly approved by the State Board of Control, and the State Treasurer is hereby directed to pay the same.

Passed the Senate February 17, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 8, 1905.

## CHAPTER 91.

(H. Sub. B. No. 180)

## PROHIBITING LIVE STOCK FROM RUNNING AT LARGE.

AN ACT to prohibit all live stock from running at large in any County and portion of the County in the State of Washington in which three-fourths of the lands therein are under fence, except in certain cases, and providing a penalty for the enforcement of the act.

*Be it enacted by the Legislature of the State of Washington:*

All live stock  
included.

SECTION 1. It shall be unlawful for any kind or character of live stock to run at large in any county in this State in which three-fourths of the lands, outside of the incorporated cities and towns are under fence, or any portion of such county three-fourths of which portion is under fence, when such portion is separated from the balance of said county by any natural barrier such as a river, range of hills or other sufficient barrier: *Provided*, That where more than one-fourth of any district is used for grazing of cattle or horses on the public domain or on unfenced lands, such district shall be excluded from the operation of this act, notwithstanding the fact that said county may come within its provisions, and the county commissioners shall designate such townships or parts of townships which shall be excluded from the provisions of this act: *Provided further*, That an area or district of less than one township shall not be considered for this purpose.

Grazing  
districts.

Duty of  
county com-  
missioners,  
as to area.

SEC. 2. It shall be the duty of the board of county commissioners of the respective counties of this State when ten or more freeholders shall make application for the enforcement of this act to at once determine whether or not three-fourths of the lands, outside of the incorporated cities and towns, in such county is under fence, or whether three-fourths of any portion of any county separated from the balance of said county by natural barrier, is under fence.

Per centum  
of land  
under fence.

SEC. 3. That the board of county commissioners, in arriving at the per centum of lands in such county or portion of county under fence, shall be governed by the records in the office of the county assessor of such county showing

the amount of lands under fence, which shall be conclusive and binding upon all residents and freeholders in such county.

SEC. 4. It shall be the duty of the county assessor of <sup>County</sup> ~~assessor~~, each county in this State, at the time of making the assessment in each year to make a list of the lands in his county, outside of the incorporated cities and towns, under fence, and file a certified copy of such list each year at the conclusion of the assessment, with the board of county commissioners, showing the aggregate number of acres of land under fence and not under fence.

SEC. 5. It shall be the duty of the board of county commissioners, on receipt of a certified copy of such list of the lands, outside of the incorporated cities and towns, under fence and not under fence, from the county assessor, to at once determine whether or not a sufficient per centum of the lands in such county or portion of county as provided herein, is under fence, to bring said county or portion of said county within the provisions of this act, and if it is found that three-fourths of the lands of said county or portion of said county, outside of the incorporated cities and towns, is under fence, it shall be the duty of the board of county commissioners to make such entry in the records of their office and publish notice thereof for at least four successive weeks in the official paper in such county, setting forth the fact that three-fourths of the lands in such county or portion of county, outside of the incorporated cities and towns, is under fence, and that livestock found running at large in such county or portion of county on and after thirty days from the first publication of said notice shall be treated as estrays, and estrays in any county in which at least three-fourths of the area, outside of the cities and towns <sup>Treated as</sup> ~~estrays~~ <sup>(see</sup> ~~Estrays)~~. therein, shall be under enclosure or fence may be taken up at any time in the year.

SEC. 6. Any owner who permits his livestock to run at large contrary to the provisions of this act shall be deemed <sup>Violation and</sup> ~~penalty~~ guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each offense, and it shall be the duty of the prosecuting attorney in such county, when it has been determined by the board of county commissioners under the provisions of this act that three-fourths of the lands in such county or portion of county is under fence,

on complaint of any freeholder or resident of such county to forthwith prosecute the owner of such stock found running at large for such misdemeanor.

Passed the House February 20, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 8, 1905.

## CHAPTER 92.

(H. B. No. 157)

### AMENDING ACT RELATIVE TO MANUFACTURE AND SALE OF DAIRY PRODUCTS.

AN ACT relating to the sale and manufacture of dairy products, amending Section nine, and amending said act by adding Sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty and forty-one of an act entitled, "An act regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same, or imitation thereof, providing for the appointment of a Dairy Commissioner and defining his duties, creating a State Board of Dairy Commissioners and defining their duties, imposing certain duties upon a chemist of State institutions, providing penalties for violation of this law, making an appropriation."

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section nine of an act entitled "An act regulating the manufacture of dairy products, prevent deception or fraud in the sale of the same, or imitation thereof, providing for the appointment of a Dairy Commissioner and defining his duties, imposing certain duties upon a Chemist of State institutions, providing penalties for violation of this law, making an appropriation," approved March 7, 1899, be and the same is hereby amended to read as follows: Section 9. Said Dairy Commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance. They shall hold office at the pleasure of the Dairy Commissioner who may summarily remove any such deputy whenever in his judgment the public service calls for such removal.

Deputies—  
term of.

SEC. 2. That section thirty-three be added to said act which shall read as follows: Section 33. The Commissioner is hereby authorized and directed to cancel all State brands issued to creameries where the butter manufactured does not score ninety points. Cancellation of state brands.

SEC. 3. That section thirty-four be added to said act which shall read as follows: Section 34. The Commissioner or Instructor shall have the power to score the butter and the score made by them shall be final. Butter scores.

SEC. 4. That section thirty-five be added to said act which shall read as follows: Section 35. It shall be the duty of the Commissioner or Instructor to give instructions in the care of milk and cream, and in the manufacture of butter and cheese. Care of milk and cream and manufacturing of cheese and butter.

SEC. 5. That section thirty-six shall be added to said act which shall read as follows: Section 36. It shall be the duty of the Commissioner or Instructor to inspect dairy barns, butter and cheese factories and condensories, and he shall have the power to condemn the same where the sanitary conditions are not conducive to a high quality of milk and cream, and to the manufacture of a high grade of butter. He may conduct the test of any creamery where he has reason to believe that the cream or milk is not tested accurately and shall condemn milk or cream arriving on the market at a temperature above seventy degrees Fahrenheit or that which is too old or in such condition as to be detrimental to the production of high grade goods. Inspection of dairy barns, etc.

SEC. 6. That section thirty-seven shall be added to said act which shall read as follows: Section 37. All apparatus used for the purpose of testing milk or cream furnished to any creamery shall be inspected and tested by the Dairy Commissioner, or his deputies, and any found to be faulty or defective, to be replaced through the Dairy Commissioner at cost to the user. Inspection of apparatus.

SEC. 7. That section thirty-eight shall be added to said act which shall read as follows: Section 38. It shall be unlawful for the owner, manufacturer, agent or any employe of a butter or cheese factory or condensory to under or over-read the Babcock test, or to manipulate for the purpose of deception any other contrivance used for determining the quality or value of milk or cream. Babcock test.

State dairy  
instructor—  
salary of.

SEC. 8. That section thirty-nine shall be added to said act which shall read as follows: Section 39. The Commissioner shall appoint one of his deputies who shall be known as State Dairy Instructor. He shall be a graduate of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given; he shall receive as compensation for his services one hundred dollars (\$100.00) per month.

Violation—  
penalty.

SEC. 9. That section forty shall be added to said act which shall read as follows: Section 40. Any person who shall violate any of the provisions of this act or who shall obstruct the Commissioner or Instructor in the performance of their duties under this act, by refusing him entrance to any place enumerated in the preceding sections, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

Appropriation.

SEC. 10. That section forty-one be added to said act which shall read as follows: Section 41. To carry out the provisions of this act there is hereby appropriated out of the general fund, not otherwise appropriated the sum of two thousand dollars (\$2,000.00).

Passed the House February 20, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.



CHAPTER 93.

(H. B. No. 303)

**EXEMPTING BEQUESTS AND DEVISES FOR CHARITABLE PURPOSES FROM INHERITANCE TAX.**

**AN ACT** to exempt bequests and devises, when made for certain charitable purposes, from the payment of any tax or sum under any inheritance tax law, and remitting any such tax claimed to be due on any such bequest or inheritance.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. All bequests and devises of property within this State when the same is for one of the following charitable purposes, namely: The relief of aged, impotent [indigent] and poor people; maintenance of the sick or maimed or the support or education of orphans or indigent children shall be exempt from the payment of any tax or sum under any inheritance tax law; and any property in this State which has been devised or bequeathed for such charitable purposes, and upon which a State inheritance tax is claimed or is owing, is hereby declared to be exempt from the payment of such tax, and the same is hereby remitted.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 94.

(H. B. No. 55)

APPROPRIATION FOR STATE FISH HATCHERY ON THE  
LITTLE SPOKANE RIVER.

AN ACT to create a State fish hatchery on the Little Spokane river, in Spokane County, State of Washington, for the propagation and distribution of trout, bass and other game fish in the State of Washington, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

Game fish  
hatchery.

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to convert the State salmon hatchery on the Little Spokane river in Spokane County into a game fish hatchery for the propagation of trout, bass and other game fish, and that a certain per centum of said game fish propagated at said hatchery be distributed in creeks and lakes throughout the State under such rules and regulations as may be prescribed by said Fish Commissioner.

SEC. 2. For the purpose of carrying out the provisions of this act for maintaining said hatchery and distributing fish therefrom the sum of twenty-five hundred dollars (\$2500), or so much thereof as may be necessary, is hereby appropriated out of any money in the general fund not otherwise appropriated.

Passed the House February 16, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 95.

(H. B. No. 62)

## FOR THE RELIEF OF SKAMANIA COUNTY.

AN ACT for the relief of Skamania County, and making an appropriation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there is hereby appropriated out of the State treasury the sum of four hundred and ninety-one and

67-100 dollars (\$491.67-100) for the relief of Skamania County, Washington, on account of moneys erroneously paid into the State treasury by said county, by reason of the clerical error on the part of the county assessor of said county in making his footings of the number of acres of assessable lands in said county for the year 1901.

SEC. 2. The State Auditor is hereby directed to draw a warrant in favor of Skamania County, Washington, for said sum of four hundred and ninety-one and 67-100 dollars and the State Treasurer is hereby instructed to pay said warrant from moneys in the State treasury not otherwise appropriated.

Passed the House February 9, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 96.

(H. B. No. 202)

### FOR THE ESTABLISHMENT AND MAINTENANCE OF A STATE FISH HATCHERY ON CHIMACUM CREEK.

AN ACT to establish and maintain a State fish hatchery on Chimacum creek, or some of its tributaries, in Jefferson County, Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the State Fish Commissioner is hereby authorized and empowered, and it is hereby made his duty, to establish and maintain a State fish hatchery on Chimacum creek, or some of its tributaries, in Jefferson County, Washington: *Provided*, That said stream is suitable for the hatching of salmon.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 97.

(H. B. No. 251)

**FOR THE ESTABLISHMENT AND MAINTENANCE OF A  
STATE FISH HATCHERY ON THE SKAGIT RIVER.**

**AN ACT** to establish and maintain State fish hatcheries on the Skagit river, or other suitable streams tributary to Skagit river, Skagit County, Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Fish Commissioner is hereby authorized and empowered, and it is hereby made his duty, to establish and maintain one or more fish hatcheries on the Skagit river, or some suitable streams tributary to Skagit river, Skagit County, Washington: *Provided*, That said streams are suitable for the hatching of salmon.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 98.

(S. B. No. 20)

**PROVIDING FOR THE LABELING OF PACKAGES CONTAIN-  
ING GASOLINE OR BENZINE.**

**AN ACT** to provide for the marking and labeling of the vial, box, can or parcel containing any gasoline or benzine sold within this State, and providing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Every apothecary, druggist, merchant or other person who shall sell and deliver any gasoline or benzine without having the word "explosive" and the true name thereof in English, written or printed upon a label attached to the vial, box, can or parcel containing the same shall, on

conviction thereof, be imprisoned in the county jail not more than six months, and be fined in any sum, not exceeding one hundred dollars, or be fined or imprisoned only.

Passed the Senate January 24, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 99.

(S. B. No. 287)

### **AUTHORIZING THE EXECUTION OF BONDS ON BEHALF OF THE STATE IN JUDICIAL PROCEEDINGS.**

**AN ACT** authorizing the execution on behalf of the State of Washington of bonds in judicial proceedings, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the attorney general is hereby authorized to execute on behalf of the State of Washington appeal or any other bonds required to be given by the State in any judicial proceedings to which it is a party in any court whatsoever, and to procure sureties thereon.

SEC. 2. An emergency exists and this act shall take effect immediately. **Emergency.**

Passed the Senate March 7, 1905.

Passed the House March 7, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 100.

(S. B. No. 54)

APPROPRIATION COVERING MILEAGE AND PER DIEM OF  
THE FIVE PRESIDENTIAL ELECTORS.

AN ACT to appropriate funds for the payment of mileage and per diem of the presidential electors of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the sums of five hundred and fifteen dollars and twenty cents be, and the same is hereby appropriated out of the general funds of the State of Washington not otherwise appropriated, to pay the mileage and per diem of the presidential electors of the State of Washington, who were elected as members of the Electoral College of said State, at the November election in the year 1904, and who met at the capital of said State on January 9, 1905, as follows, to-wit:

To Hon. Samuel G. Cosgrove.....	\$115.80
To Hon. L. B. Nash.....	130.50
To Hon. Geo. W. Bassett.....	117.00
To Hon. Al. J. Munson.....	39.40
To Hon. Herman D. Crow.....	112.50
	<hr/>
	\$515.20

Passed the Senate February 17, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 101.

(S. B. No. 108)

TO PROVIDE AGAINST THE ADULTERATION OF GROUND  
FOOD FOR LIVE STOCK.

AN ACT to provide against the adulteration and sale of meal or ground grains used for feeding farm live stock, declaring the same a misdemeanor, providing a penalty therefor, and requiring the State Dairy and Food Commissioner, Attorney General and Prosecuting Attorneys to enforce the provisions hereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any person who shall adulterate any kind of meal or ground grain used for feeding farm live stock, with milling or manufacturing offals, or any other substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package, sacks or bags containing the same or in which it is offered for sale; or any person who knowingly sells or offers for sale any meal or ground grain which has been so adulterated unless the true composition, mixture or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each and every offense, by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

True composition to be marked on package.

Penalty.

SEC. 2. The state dairy and food commissioner, the chemist of the state agricultural experiment station, the state attorney general and the prosecuting attorneys of the several counties of this State are hereby required, without additional compensation, to assist in the enforcement and execution of this act, and in the prosecution of all persons charged with the violation thereof, in like manner and with like powers as

they are now authorized and required by law to enforce the laws of this State against the adulteration of food and fraud in the sale thereof.

Passed the Senate February 9, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 102.

(S. B. No. 185)

### APPROPRIATION COVERING CERTAIN DEFICIENCIES FOR FISCAL TERM ENDING MARCH 31, 1905.

AN ACT making appropriations for certain deficiencies for fiscal periods prior to March 31, 1905, and for other purposes.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of the general fund for the purposes hereinafter designated in payment of deficiencies for the present and past fiscal periods, not hitherto provided for and the state auditor is directed to draw his warrants in payment of the same, on presentation to him of properly certified vouchers, to-wit:

1. Transportation of insane.....			\$1,800.00
2. Transportation convicts .....			4,500.00
3. Cost bills (criminal).....			3,000.00
4. Traveling expenses, Superior Judges.....			2,500.00
5. Salaries Superior Judges pro tem.....			1,000.00
	Judgment.	Interest.	Total.
6. Frank Phinney .....	\$ 70.65	.....	\$ 70.65
7. W. A. Lewis, et al.....	10.50	\$ .19	10.69
8. W. A. Lewis et al.....	156.55	3.18	159.73
9. W. F. Meloy.....	136.00	4.44	140.44
10. E. May McKenzie.....	1,862.70	124.49	1,987.19
11. John L. Murray.....	1,967.32	8.86	1,976.18
12. Salary for two extra Supreme Judges.....			1,500.00

Passed the Senate February 17, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 9, 1905.



## CHAPTER 103.

(S. B. No. 201)

## REGULATING THE KEEPING AND DEPOSIT OF MUNICIPAL FUNDS.

AN ACT regulating the keeping and deposit of municipal funds.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That it shall be the duty of the city treasurer, Duties of treasurers—cities of first class. in all cities of the State of Washington having a population of seventy-five thousand (75,000) inhabitants and over to, immediately upon this bill becoming a law and annually thereafter at the end of each fiscal year, designate one or more banks in such city as depository or depositories of the moneys required to be kept by said treasurer, and such designation shall be subject to the approval of the mayor, and filed with the comptroller.

SEC. 2. Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller, file with the comptroller of such city a surety bond to such city, in Surety bond of bank. the maximum amount of deposits designated by said treasurer to be carried in such bank, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which bond shall be approved by the mayor and comptroller of said city, and such bank shall also, at the same time, file with said comptroller a contract with said city, wherein said bank shall agree to pay not less than  $1\frac{1}{2}$  per centum on the cash daily balances of all municipal funds kept by such treasurer in said bank, while acting as such depository; such payments to be made monthly to said city while said deposits continue in said depository; said contract shall run to said city and be in such form as shall be approved by the mayor and corporation counsel.

SEC. 3. The provisions of this act shall in no way affect Bond of city treasurer not affected hereby. the duty of the city treasurer to give bond to such city for

the faithful performance of his duties in such amount as may be fixed by the city council by ordinance.

Passed by the Senate March 3, 1905.

Passed by the House March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 104.

(S. B. No. 140)

### AMENDING ACT RELATIVE TO COLLECTION OF TAXES FOR RIVER IMPROVEMENT DISTRICTS.

AN ACT amending Section twenty-one (21) of Chapter one hundred and forty-three, Laws of 1903, relating to "river improvement districts," and the collection of taxes therein.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 21 of Chapter 143 of the Laws of 1903, relating to "River Improvement Districts" and the collection of taxes therein be and the same is hereby amended to read as follows: Section 21. All the laws governing the assessment and collection of taxes for general State and county purposes shall apply to the assessment and collection of taxes levied under the provisions of this act, except that the taxes collected under the provisions of this act shall be kept separate, and apart from other taxes. In case any tax levied under this act shall become delinquent, same shall be included, with taxes levied for other purposes, in the certificate of delinquency that may be issued, and any proceeding to foreclose said certificate of delinquency shall include the amount of delinquent tax levied for river improvements under this act.

Passed the Senate February 9, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 105.

(H. Sub. B. No. 96)

RELATING TO JUSTICES OF THE PEACE IN CITIES OF  
THE FIRST CLASS.

AN ACT relating to Justices of the Peace and Constables in cities having a population of more than thirty-five thousand (35,000) inhabitants, providing for their election and appointment, fixing their salaries, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There shall be elected at the general election to be held in November, 1906, and bi-ennially thereafter, in each city having a population of more than thirty-five thousand (35,000) inhabitants and less than eighty thousand (80,000) inhabitants, two justices of the peace and two constables, and in cities having a population of more than eighty thousand (80,000) inhabitants three justices of the peace and three constables, and no more, whose term of office shall be for the period of two years from the second Monday of January following their election. Election of, in 1906.

SEC. 2. The board of county commissioners of each county in which there is a city having a population of more than thirty-five thousand (35,000) inhabitants and less than eighty thousand (80,000) inhabitants, are hereby authorized immediately after this act goes into effect, to appoint one additional constable in such city, so that there shall be two constables in such city, and the board of county commissioners of each county in which there is a city having a population of more than eighty thousand (80,000) inhabitants are hereby authorized and directed immediately after this act goes into effect, to appoint one additional Justice of the peace and two additional constables in such city, so that there shall be three justices of the peace and three constables in such city. Additional constables, to be appointed by commissioners.

SEC. 3. The salaries of justices of the peace and constables hereafter elected or appointed in cities having a population of more than thirty-five thousand (35,000) inhabitants shall be as follows: (1) Salaries of justices of the peace in cities having a population of more than thirty-five thousand (35,000) inhabitants, fifteen hundred dollars (\$1,500) Salaries of.

per annum, payable as now provided by law. (2) Salaries of constables in cities having a population of more than thirty-five thousand (35,000) inhabitants, nine hundred and sixty dollars (\$960.00) per annum, payable as now provided by law.

**Emergency.**

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 106.

(H. Sub. B. No. 64)

### EMPOWERING COUNTY COMMISSIONERS TO GRANT CERTAIN PUBLIC FRANCHISES ON PUBLIC ROADS.

AN ACT giving to County Commissioners the power to grant certain public utility franchises on County roads and streets outside of incorporated towns and cities, and confirming certain such grants heretofore made.

*Be it enacted by the Legislature of the State of Washington:*

**Purposes.**

**Application—  
hearing—  
notice.**

SECTION 1. The county commissioners of the several counties in the State of Washington are hereby authorized and empowered to grant franchises to persons or corporations to use the county roads and streets in their several counties outside of the incorporated towns and cities for the construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric light lines: *Provided*, That hereafter on application being made to the board of county commissioners for any such franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county and in at least one conspicuous place on the roads or streets or parts thereof for which application is made, at least fifteen (15) days before the day fixed for such hearing, and by publishing a like notice three (3) times in some daily newspaper pub-

lished in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five (5) days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by the order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such franchise in whole or in part, the board may make and enter the proper order granting the franchise applied for or such part thereof as the board deems to be for the public interest, and may require any such utility and its appurtenances to be placed in such location on or along the roads or streets as the board finds will cause the least interference with other uses of the roads or streets. Any person or corporation constructing or operating such utility on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel. This act shall be construed as an addition to existing laws and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided further*, No exclusive franchise or privilege shall be granted.

Order of  
board.

Liability to  
county.

Term of  
franchises.

SEC. 2. That any and all grants, rights, privileges, franchises or powers heretofore made or attempted to be made, given or granted by the board of county commissioners of any county in this State, when such board was in regular or special session, and when the action of such board is shown by its records, to any person or corporation, to erect, construct, maintain or operate an electric railway or poles, pole lines, wires or any other matter or thing for the furnishing, transmission, delivery, enjoyment or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter or thing relating to said matters and things or either of them, or to lay or maintain pipes for the distribution of water, or gas, in, upon, along, through or over public roads and highways, or any public road or highway, outside the limits of incorporated cities and towns, be and they are hereby confirmed and declared to be valid to the extent that such road or highway has been,

Prior grants  
declared  
valid.

prior to the passage of this act, actually occupied by the *bona fide* construction and operation of such utility and no farther.

Force and  
effect rights  
and powers.

SEC. 3. Said rights, powers and grants so made or attempted to be made and hereby confirmed, shall have and be of the same force and effect as if the county commissioners in any county of this State, prior to the time of giving or granting said rights, privileges and franchises, had been specifically authorized and empowered to give and grant the same.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 107.

(H. B. No. 126)

### TO ESTABLISH A STATE FISH HATCHERY ON THE UPPER METHOW RIVER.

AN ACT to establish a State Fish Hatchery on the upper Methow river, or some of its tributaries, in Okanogan County, in the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to prospect the upper Methow river and its tributaries, Okanogan County, with a view of establishing and maintaining a State salmon hatchery thereon.

SEC. 2. That if after investigation the State Fish Commissioner finds the upper Methow river in Okanogan County, or any of its tributaries, a suitable stream for the location of a salmon hatchery, he is hereby authorized and directed to establish and maintain a State salmon hatchery on said upper Methow river, or its tributaries, in Okanogan County.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 108.

(H. B. No. 53)

ENABLING COUNTIES, CITIES AND TOWNS TO VALIDATE  
CERTAIN WARRANTS.

**AN ACT** to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Any county, city or town in this State may <sup>Ratification—  
on what  
grounds.</sup> ratify in the manner prescribed in this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creations of other evidences of indebtedness on the part of such county, city or town, by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, ascertained by the last assessment for State and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein voting at an election held for that purpose.

SEC. 2. Whenever the corporate authorities of any such <sup>Ratification—  
how obtained.</sup> county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness composed in each distinct class and shall provide for the holding of an election for that purpose, at which the attempted

incurring of such indebtedness shall be submitted to the voters in such county, city or town for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks, and if no newspaper is published in such city or town, then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

Distinct vote  
for each class.

SEC. 3. If at an election held as provided for in Section two of this act, three-fifths of the voters in such county, city or town, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, specified in the ordinance or resolution providing for such election, then such indebtedness so ratified shall thereby become and is hereby declared to be validated and a binding obligation upon such county, city or town, when the only ground of the previous invalidity of such indebtedness is that at the time of the incurring thereof so ratified, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town ascertained by the last previous assessment for State and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided further*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

Exception.

Act not appli-  
cable to prior  
indebtedness.



SEC. 4. The words "corporate authorities," used in this act, shall be held to mean the legislative or managing body of any county, city or town.

SEC. 5. An emergency exists and this act shall take effect <sup>Emergency.</sup> immediately.

Passed the House February 20, 1905.

Passed the Senate March 2, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 109.

(H. B. No. 238)

### RELATIVE TO CHANGING OF CORPORATE NAMES.

AN ACT relating to changing corporate names of corporations.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That whenever any corporation heretofore or hereafter organized under the laws of this State (including such as were organized under the laws of the Territory of Washington) shall execute and file in the office of the Secretary of State and in the office of the county auditor of the proper county supplemental articles of incorporation changing its corporate name, such corporation shall file in the office of such county auditor, at the time of filing such supplemental articles or within ten days thereafter, a written notice, signed by its president, vice president or secretary, setting forth its former corporate name and its corporate name as changed and stating that supplemental articles making such change of name have been filed in the office of the Secretary of State and in the office of the county auditor of the county (naming it). It shall be the duty of the county auditor, on payment of the proper recording fee, to record such notice as deeds are recorded and to index such notice in the general index in his office under the former corporate name as grantor and under the changed corporate name as grantee. A like notice may at the option of such corporation be filed in the office of the county auditor of any other county, and the county auditor of such other county

<sup>Supplemental filing, with whom.</sup>

<sup>Duty of county auditor.</sup>

Requirement  
as to former  
filings.

shall record and index the same in the manner hereinbefore provided. Corporations which have heretofore filed supplemental articles changing their corporate names shall file the notice herein provided for within six months after the taking effect of this act.

Passed the House March 6, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 110.

(S. B. No. 251)

### ADDITIONAL APPROPRIATION FOR LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of ten thousand dollars, or so much thereof as may be necessary, for the expenses of the Ninth Legislature.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be used for the purpose of the Ninth Legislature of the State of Washington.

Passed the Senate March 8, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER III.

(S. B. No. 119)

## TO PROMOTE STATE AGRICULTURAL INTERESTS.

AN ACT to promote the agricultural interests of the State of Washington, providing for county inspectors of apiaries, defining their duties, and providing for their compensation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Whenever a petition is presented to the board of county commissioners of any county, signed by ten or more persons, each of whom is a property holder resident of the county, and owner of an apiary or place where bees are kept, stating that certain or all apiaries within the county are infected with the disease known as "foul brood," or any other disease which is infectious or contagious in its nature, and injurious to the bees, their eggs or larvae, and praying that an inspector be appointed by them, whose duty it shall be to supervise the treatment of said bees and apiaries as herein provided, the board of county commissioners shall, within twenty days thereafter, appoint a suitable person, <sup>Inspector, appointment</sup> who shall be a skilled bee-keeper, inspector of apiaries. The of said board of county commissioners may remove said inspector at any time for cause.

SEC. 2. It shall be the duty of the inspector in each county <sup>Duty of inspector.</sup> to cause an inspection to be made when he deems it necessary, of any apiary, or other place within his jurisdiction in which bees are kept, and if found infected with foul brood, or any other infectious or contagious disease injurious to the bees, or their eggs, or larvae he shall notify the owner or owners, person or persons, in charge, or in possession of said apiaries or places where bees are kept, that the same are infected with foul brood, or any other disease infectious or contagious in its nature, and injurious to bees, their eggs or larvae, and he shall require such person or persons to eradicate and remove such disease or cause of contagion within a certain time to be specified. Said notice may be <sup>Service of notice.</sup> served upon the person or persons, or either of them, owning or having charge, or having possession of such infected apiaries, or places where bees are kept, by any inspector, or

Public nuisance. by any person deputized by the said inspector for that purpose, or they may be served in the same manner as a summons in a civil action. All such apiaries, or places where bees are kept, found infected with foul brood, or any other infectious or contagious disease, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within his jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the inspector, after diligent search, within the county or upon the property of any owner or owners upon whom notice aforesaid has been served and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the inspector to abate the same, either by treating the disease, or by destroying the infected hives, together with their combs and bees therein. The expense thereof shall be a county charge and the board of county commissioners shall allow and pay the same out of the general fund of the county.

Expense, a county charge.

Inspector's records.

SEC. 3. It shall be the duty of the county inspector of apiaries to keep a record of his official acts and doings, and make report thereof to the board of county commissioners at their October meeting of each year.

Salary and expenditures.

SEC. 4. The salary of the county inspector of apiaries shall be three dollars per day when actually engaged in the performance of his duties: *Provided*, That the expenditures under this act in any county shall not exceed the sum of one hundred dollars per annum.

Transfer of infected bees.

SEC. 5. The inspector of apiaries may, in his discretion, order the owner or owners, or other person in charge of bees kept in box or other immovable or stationary comb-hives in apiaries infected with foul brood or other infectious or contagious disease, or within a radius of three miles of such diseased apiaries, to transfer such bees to movable frame hives within a reasonable time, to be specified in such order or notice, and in default of such transfer the owner, or owners, or other persons in charge of such bees, the inspector may destroy, or cause to be destroyed, all such hives, together with their contents, and the expense thereof shall be a county charge, as provided in section two of this act.

Unlawful to move infected bees without giving notice.

SEC. 6. It shall be unlawful for any person owning or controlling bees within this State, which are known to be infected with foul brood or other infectious or contagious disease, to remove said bees to a new location, without first

giving ten days' notice to the county inspector of apiaries, stating when and where he intends moving said bees.

SEC. 7. Any person or persons whose apiary is infected with foul brood or any other infectious or contagious disease, and who sells or offers for sale, from such infected apiary any bees, hives, bee fixtures or appurtenances, or who shall expose in his bee yard or elsewhere, any infected comb-honey, bees wax, or other infected things, or who conceals the fact that his apiary is so infected, or who shall resist, impede, or hinder in any way, the inspector of apiaries in the discharge of his duties, under the provisions of this act, or who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed one hundred (\$100) dollars. <sup>Violations and penalty.</sup>

Passed the Senate February 17, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 112.

(H. B. No. 140)

### AMENDING ACT OF 1888 RELATIVE TO PAYMENT OF WAGES FOR LABOR.

AN ACT amending Section 1 of an act entitled, "An act to provide for the payment of wages of labor in lawful money of the United States and to punish violations of the same," approved February 2, 1888, being Section 3305 of Ballinger's Annotated Codes and Statutes of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section one of "An act to provide for the payment of wages of labor in lawful money of the United States and to punish violations of the same," approved February 2, 1888, is hereby amended to read as follows: Section 1. That it shall not be lawful for any corporation, person or firm engaged in manufacturing of any kind in this State, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this State, to issue, pay <sup>Payment by order, etc., at full face value.</sup>

Paid in  
cash—when.

out or circulate for payment of wages of any labor, any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or on demand, at the store or other place of business of such firm, person, or corporation when the same is issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness shall upon presentation and demand redeem the same in lawful money of the United States. And when any laborer performing work or labor as above shall cease to work whether by discharge or by voluntary withdrawal the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value on presentment at bank, store, commissary, or other place in the county where the labor was performed: *Provided*, Such order may be given payable in another county when the place of employment is more convenient of access to the employe.

Passed the House February 20, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 113.

(S. B. No. 1)

### FIXING AND REGULATING MAXIMUM RAILROAD PASSENGER RATES.

AN ACT regulating and fixing the maximum railroad passenger rates in the State of Washington, and providing for the due enforcement and observance of the rates so fixed.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. No railroad, its agents or employes doing business within this State, shall charge for transporting or carrying passengers from one point within this State to another point within this State at a rate exceeding three (3) cents per mile for each passenger over the age of twelve

Adults 8c  
per mile.

years so transported or carried, and one and one-half cents <sup>Children 1 1/2 c.</sup> per mile for each passenger of the age of twelve years or under said age so transported or carried.

SEC. 2. Every railroad company and any agent or em- <sup>Violation.</sup> ployee of said railroad company, doing business in the State of Washington, who shall violate or evade any of the provisions of the foregoing section of this act shall for each and every violation thereof be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one <sup>Penalty.</sup> thousand dollars, or may be imprisoned in the county jail for a period of not less than six months nor more than one year, or both such fine and imprisonment; and on the trial of any person or persons accused under this action of the offense aforesaid, it shall not be a defense to such charge of the violation of the provisions of said section for such person or persons to prove that he, she or they were instructed or ordered to commit the acts charged in the information or indictment by an officer, or agent, or employee of the railroad company, for which he or they were employed at the time the violation charged in the information or indictment occurred, at said trial proof that the person accused in the information or indictment, received money for the railroad company mentioned in the information or indictment, shall be *prima facie* proof of the agency charged in the in- <sup>Prima facie proof.</sup> formation or indictment, and the courts shall so instruct the jury in such cases.

SEC. 3. Any railroad company doing business within the State of Washington, who shall violate or evade any of the provisions of the foregoing sections of this act shall for each and every violation thereof forfeit and pay into the treasury of the State of Washington, in addition to the <sup>Further pen- alty.</sup> penalty and fine imposed by section two of this act, a further sum of two hundred dollars, one-half thereof for the use and benefit of the person or passenger overcharged and one-half thereof for the use and benefit of the general school fund of the State; and the fine and penalties imposed by this act under section two shall likewise be paid into the general school fund; and the attorney general for the State of Washington, or any county attorney shall institute the necessary criminal and civil proceedings to collect and enforce the

finances, forfeitures, penalties and punishments provided in this act.

Not applica-  
ble to certain  
lines.

SEC. 4. This act shall not apply to railroads whose lines or route of travel does not exceed one hundred miles in length.

Passed the Senate February 14, 1905.

Passed the House March 6, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 114.

(H. B. No. 825)

### AMENDING ACT OF 1901 RELATIVE TO INHERITANCES.

AN ACT to amend sections thirteen and fifteen of an act entitled, "An act relating to the taxation of inheritances and providing for disposition of same," approved March 6, 1901.

*Be it enacted by the Legislature of the State of Washington:*

Court to  
appoint  
appraisers.

SECTION 1. Section thirteen of said act is hereby amended so as to read as follows: Section 13. The Superior Court, having jurisdiction, shall appoint three suitable, disinterested persons to appraise the estate and effects of deceased persons for inheritance tax purposes, and, unless otherwise provided by order of the court, the appraisers appointed under the probate law to appraise the estate and effects of deceased persons, shall be and constitute the appraisers under the provisions of this act. It shall be the duty of all such appraisers to forthwith give notice to the State Treasurer and other persons known to be interested in the property to be appraised, of the time and place at which they will appraise such property, which time shall not be less than twenty days from the date of such notice. The notice shall be served in the same manner as is prescribed for the commencement of civil actions unless a different one is ordered by the court or judge, and the notice, with the proof of service thereof, shall be returned to the court with the appraisalment. The State Treasurer, or any person interested in the estate appraised, may file exceptions to the appraisalment,

Duty of  
appraisers.

Service of  
notice.

Exceptions.



which shall be heard and determined by the court having jurisdiction in probate of the estate involved. If, upon the hearing, the court finds the amount at which the property is appraised is its market value and the appraisement was fairly and in good faith made, it shall approve such appraisement; but if it finds that the appraisement was made at a greater or less sum than the market value of the property, or that the same was not fairly or in good faith made, it shall set aside the appraisement and determine such value. The State Treasurer, or any one interested in the property appraised, may appeal to the Supreme Court from the order Appeal. of the Superior Court in the premises.

SEC. 2. Section fifteen of said act is hereby amended so as to read as follows: Section 15. In all of the estates subject to the payment of the inheritance tax it shall be the duty of the executor, administrator or trustee to furnish the clerk of the court a list of the heirs of the estate and to state therein the relationship which each heir, devisee, or legatee bears to the decedent. The clerk of the court shall immediately forward a true copy of such list to the State Treasurer, and no final settlement of the account of any executor, administrator or trustee shall be accepted or allowed unless a strict compliance with the provisions of this section has been had by such person. Upon the filing of any petition Duty of administrator or executor. Petition. for letters of administration or for the probate of any will, it shall be the duty of the clerk of the court in which such proceeding is pending, within three days after such filing, to notify the State Treasurer in writing of the date of such filing, together with the name, and, if known, the place of residence of the deceased, the name, and, if known, the place of residence of petitioner, and, if known, the name and place of residence of the attorney for petitioner.

Passed the House March 6, 1905.

Passed the Senate March 8, 1905.

Approved March 9, 1905.

## CHAPTER 115.

(H. B. No. 36)

## CREATING A STATE TAX COMMISSION.

AN ACT creating a State Board of Tax Commissioners, defining its powers and duties.

*Be it enacted by the Legislature of the State of Washington:*

Governor to  
appoint.

SECTION 1. There is hereby created a State Board of Tax Commissioners, to be appointed by the Governor, with the advice and consent of the Senate. Immediately upon the taking effect of this act the Governor shall appoint three persons known to him to possess knowledge of the subject of taxation and skill in matters pertaining thereto, and who shall hold office for the term of four years. A Commissioner may be removed by the Governor for any cause which he may deem sufficient, which power of removal shall be absolute, and there shall be no right of review of the same in any court whatsoever.

Vacancies.

(a) All vacancies which may occur on said board while the Legislature is not in session shall be filled by appointment, and shall be submitted to the Senate at the next session following the appointment.

Commissioners shall not  
hold other  
office.

(b) No Commissioner appointed under this act shall hold any other office under the Government of the United States or of this State or of any County or municipal corporation within this State; he shall devote his entire time to the service of the State in performing the duties prescribed in this act.

Bond—ap-  
proved by  
Governor.

(c) Before entering upon the duties of his office, each of said commissioners shall enter into a bond payable to the State of Washington, with security to be approved by the Governor, in the sum of ten thousand dollars (\$10,000), conditioned for the faithful performance of his duties, and shall take and subscribe to an oath of office that he will support the constitution and faithfully and impartially perform the duties prescribed by this act to the best of his ability, which oath shall be filed with the Secretary of State.

SEC. 2. The commissioners shall have the power, and it shall be their duty: Powers and duties of commissioners.

*First:* To have and exercise general supervision of the system of taxation throughout the State.

*Second:* To exercise general supervision over assessors and county boards of equalization and the determination and assessment of the taxable property in the several counties, cities and towns of the State, to the end that all taxable property in this State shall be placed upon the assessment rolls and equalized between persons, corporations and companies in the several counties of this State, and between the different municipalities and counties therein, so that equality of taxation shall be secured according to the provisions of law. Supervision over assessors.

*Third:* To take charge of and superintend the enforcement of the direct and collateral inheritance law, and the collection of taxes provided for therein. Inheritance tax.

*Fourth:* To confer with, advise and direct assessors, boards of equalization and county boards of commissioners as to their duties under the law and statutes of the State, and to direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and cause complaint to be made against assessors in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said board or any member thereof may call upon county attorneys or the attorney general, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the State in respect to the assessment and taxation of property. County attorneys or attorney general to assist.

*Fifth:* To prescribe all forms of books and blanks to be used in the assessment and collection of taxes, and to change such forms when prescribed by law, and to recommend to the Legislature such changes as may be deemed most economical to the State and counties, and such recommendation shall be accompanied by carefully prepared bill or bills for this end. Books—blanks, etc.

Reports on  
assessments.

*Sixth:* The board shall have power to require county, city and town officers to report information as to assessments of property, equalization of taxes, the expenditure of the public fund for all purposes, and other information which said commission may request.

Reports from  
corporations.

*Seventh:* To require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, value of property, earnings, taxes and all other facts called for on these subjects, so that the commission may ascertain the relative burdens borne by all kinds and classes of property within the State.

Witnesses.

*Eighth:* To summon witnesses to appear and testify on the subject of property earnings, taxes, or upon any matter deemed material to the investigation of the system of taxation, and the expenditure of public funds for State, county, district and municipal purposes.

To visit  
various  
counties and  
investigate  
taxation  
methods.

*Ninth:* To visit the counties in the State, unless prevented by the necessary official duties, for the investigation of the methods adopted by the county assessors and county boards of commissioners in the assessment and equalization of taxation of real and personal property; to carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

Misdemeanor  
of witnesses.  
Perjury.

*Tenth:* Any member of the board may administer oaths to witnesses. In case any witness shall fail to obey the summons to appear, or refuse to testify, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one thousand dollars. Any person who shall testify falsely shall be guilty of and punished for perjury.

Investigation  
of complaints.

*Eleventh:* The board shall thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is unequal or oppressive.

Duty of  
county  
assessors.

*Twelfth:* It shall be the duty of the county assessor, on the completion of his assessment rolls each year, to furnish the tax commission a list of corporations, companies, associations, banks and individuals doing business of a public character whose assessed valuation is three thousand dollars or more, together with the class of property and the valuation placed on same for assessment purposes.

SEC. 3. The board or any member thereof shall examine and test work of county assessors during progress of the assessments, or at any time when it is deemed necessary and convenient. Said board or any member thereof shall have all the rights and powers of the assessor for the examination of persons and property and for the discovery of property subject to taxation. If such board shall ascertain that any property is omitted, or not assessed according to law, it shall bring the same to the attention of the county assessor of the proper county, and if the assessor shall neglect or refuse to correct the assessment to conform to law, the said board shall report the fact in writing to the clerk of the board of county commissioners, who shall lay the same before the board of county commissioners for review and examination in said county at a meeting of said board held for the equalization of taxes. The members of the State Board of Tax Commissioners shall be *ex-officio* members of the State Board of Equalization and the secretary of the State Board of Tax Commissioners shall be the secretary to the State Board of Equalization.

Board to report to clerk of county commissioners—when.

Ex-officio members State board of equalization.

SEC. 4. The State Board of Tax Commissioners shall make diligent investigation concerning the revenue laws and systems of other states and countries, so far as the same may be known by reports and statistics and can be ascertained by correspondence, and with the aid of information thus obtained, together with the experience and observation of our own laws and the operation thereof, recommend to the Governor, in a biennial report at least sixty days before the meeting of the Legislature, such amendments, changes and modification of our revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenue in the most economical manner. All such recommendations shall be accompanied by suitable bill or bills necessary to carry into effect such recommendations. This report shall also show in tabulated form the whole amount of taxes collected in the State for all purposes, classified as State, county and municipal, with the sources thereof, the amount lost, the cause of the loss and such other pertinent statistics, matter and information concerning revenue and taxation as may be deemed of public interest.

Investigation of revenue laws.

Legislative recommendations.

Printed  
reports to  
Legislature.

SEC. 5. There shall be printed copies of said report, one copy of which shall be sent to each member of the Legislature at least twenty days prior to the assembling thereof.

Organization;  
name and  
official seal.

SEC. 6. The commissioners shall meet at the State capitol, organize and elect one of their number president. They shall be known collectively as the "State Board of Tax Commissioners," and shall adopt and use an official seal. A majority of said board shall constitute a quorum to transact business. Said board may appoint and remove at pleasure a secretary, who shall draw a salary not to exceed twelve hundred dollars per annum, and may appoint such other clerks as may be necessary, not exceeding two in number at a salary not to exceed seventy-five dollars per month each. The secretary shall keep full and correct minutes of all of the transactions and proceedings of said board, and perform such duties as may be required by the board. The commissioners shall be entitled to receive their necessary traveling expenses while traveling on the business of the board. The said board may hold sessions at any place in this State, when deemed necessary to facilitate the discharge of its duties. The board shall be furnished with an office and supplies at the State capitol, in the same manner as other State officers. Each of said commissioners shall receive an annual salary of three thousand dollars, payable in the same manner as the salaries of other State officers are paid.

Secretary—  
salary of

Salaries,  
office and  
supplies.

Passed the House February 6, 1905.

Passed the Senate March 6, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 116.

(S. B. No. 26)

**AMENDING ACT OF 1893 RELATIVE TO LIENS FOR LABOR.**

**AN ACT** relating to liens for labor performed, material, provisions and supplies furnished, and amending Sections 1 and 2 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, being Sections 5900 and 5901 of Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 1 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, the same being Section 5900 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 1. Every person performing labor upon or furnishing material to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street-railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed or material furnished by each, respectively, whether performed or furnished at the instance of the owner of the property subject to the lien or his agent; and every contractor, sub-contractor, architect, builder or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: *Provided*, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, and material men, and persons who supply such contractors with provisions, all just dues to such persons or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed

5900 Ballinger

Who may enforce liens.

Bond, for railway construction.

Liability of  
railroad  
company.

by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor.

5901 Ballinger

Lien upon  
land, for im-  
provements.

SEC. 2. That Section 2 of an act entitled, "An act creating and providing for the enforcement of liens for labor and material," approved February 21, 1893, the same being Section 5901 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 2. The lot, tract or parcel of land upon which the improvement is made or the property is situated, subject to the lien created by Section 1 of this act, or so much thereof as may be necessary to satisfy the lien and the judgment thereon, to be determined by the court on rendering judgment in a foreclosure of the lien, is also subject to the lien to the extent of the interest of the person or company, who in his or its own behalf, or who, through any of the persons designated in Section 1 to be agent of the owner or owners caused the performance of the labor, or the construction, alteration or repair of the property.

Passed the Senate February 9, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 117.

(H. B. No. 239)

### AMENDING BALLINGER'S AND PIERCE'S CODES RELATING TO MILEAGE OF COUNTY COMMISSIONERS.

AN ACT to amend Section three hundred forty of Ballinger's Annotated Codes and Statutes of the State of Washington, same being Section 4121 of Pierce's Washington Code, relating to mileage and expenses of County Commissioners.

*Be it enacted by the Legislature of the State of Washington:-*

840 Ballinger.  
4121 Pierce.

SECTION 1. That section three hundred forty of Ballinger's Annotated Codes and Statutes of the State of Wash-



ington, the same being Section 4121 of Pierce's Washington Code, be amended to read as follows: County Commissioners in counties of the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth, classes may charge and receive mileage as hereinafter stated and not otherwise. Classification.

*First:* For attendance on any regular session of the board of county commissioners, ten cents per mile for each mile traveled in going to and returning from the county seat: Sessions of board.  
*Provided,* That only one such trip shall be charged for at each regular session.

*Second:* For attendance upon extra sessions of said board, and for other necessary traveling on county business, such mileage not exceeding ten cents per mile for each mile traveled, as may be allowed or ordered by the superior court of the proper county under the provisions of this act. Extra sessions.

Passed the House February 14, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 118.

(H. B. No. 113)

### AUTHORIZING CEMETERY ASSOCIATIONS TO ACCEPT TRUST FUNDS.

AN ACT authorizing associations and companies owning cemeteries to accept trust funds, the income therefrom to be used in the betterment, care and improvement of such cemeteries.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That all associations and companies owning cemeteries may take and hold any property, real and personal, bequeathed or given upon trust, to apply the income thereof under the direction of the trustees or managers of such associations or companies, for the improvement or embellishment of such cemeteries, or the erection or preserva-

tion of any buildings, structures, fences or walks erected or to be erected upon the lands of such cemetery associations or companies, or upon the lots or plots of any of the proprietors, or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing, or other erection in or around any cemetery lot or plot, or for planting and cultivating trees, shrubs, flowers or plants in or around any such lot or plot, or for improving or embellishing such cemeteries or any of the lots or plots in any other manner or form consistent with the design and purposes of such associations and companies, according to the terms of such grant, devise or bequest.

Passed the House February 15, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 119.

(H. B. No. 141)

### AMENDING ACT OF 1895 RELATIVE TO IMPROVEMENT OF RIVERS AND STREAMS.

AN ACT to amend Section three of an act entitled, "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, fixing maximum tolls therefor," approved March 18, 1895.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section three of an act entitled, "An act to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this State, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereof [thereon], fixing maximum tolls therefor," approved March 18, 1895, be and the same is hereby amended to read as follows: Section 3. Any corporation organized for the purposes mentioned in section one of this act shall, within

ninety days after its articles of incorporation shall have been filed, proceed to file in the office of the Secretary of State a plat or survey of so much of the shore lines of the waters of the State or of any of the rivers or streams thereof and lands contiguous thereto as are proposed to be appropriated for such purposes by said corporation. Such plat shall be made from the records of the United States in the office of the Surveyor General of this State, or by a competent surveyor, after actual survey, from the notes thereof, and wherever such appropriation is made upon unsurveyed lands, then by an actual survey made by a competent surveyor. Such corporation may from time to time whenever it desires to extend its operations to portions of streams not embraced in its original plat, or to other streams tributary to the stream or streams described in such original plat, or any portion of such streams, file additional plats in the office of the Secretary of State, and whenever by reason of floods or otherwise, the channel of any stream shall be so changed as to put such streams beyond the limits of said original plat, or any supplemental or additional plat filed pursuant to the provisions of this section, such corporation may file in the office of the Secretary of State supplemental plats showing the change in said channel which shall vest it with the same rights that it acquired by the filing of said original plat.

Passed the House March 3, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 120.

(H. B. No. 336)

## FORECLOSURE OF ASSESSMENTS FOR LOCAL IMPROVEMENTS IN CERTAIN CITIES.

AN ACT relating to foreclosures of assessments for local improvements in cities of the third and fourth classes.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. In proceedings brought for the foreclosure of delinquent assessments for street and local improvements in cities of the third and fourth classes, it shall not be necessary to bring a separate suit for each separate piece or parcel of property delinquent, but all or any part of the property delinquent in any single local improvement district may be proceeded against in the same action and all or any of the owners or persons interested in any of the property delinquent in any single local improvement district may be joined as parties defendant in the action to foreclose: *Provided*, That in entering judgment, the judgment of the court shall specify separately the amount chargeable to each separate piece or parcel of land within such improvement district for its share of the assessment, interest, penalty and costs, and the complaint likewise, shall separately state the amount chargeable to each piece or parcel of land. Where several owners of distinct parcels of land in the same local improvement district are joined in the same action to foreclose and judgment be given against the defendants and the property, the court shall apportion the costs in a just and equitable manner against the several owners of the several parcels of land. In any such action where the owners of any particular parcel or parcels of property included in such suit, shall suffer a default, the court may enter judgment of foreclosure and sale as to the owners and property so in default and order execution thereon, and the action may proceed as to the remaining defendants and property. Judgment may be pronounced by the court as to any distinct parcel of land under separate ownership, and the court may retain jurisdiction of the case as to the balance.

Separate  
suits not  
necessary.

Apportion-  
ment of costs.

Judgment.

SEC. 2. Nothing in this act shall be construed as re-

pealing, changing or modifying any existing act, charter or ordinance relating to the enforcement of assessments for local improvements, but this act shall be construed as an additional and concurrent remedy.

Passed the House February 27, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 121.

(H. B. No. 375)

### FOR THE TRANSPORTATION OF CONVICTS, INSANE PERSONS, AND INCORRIGIBLES.

AN ACT providing for the transportation of convicts to the State Penitentiary, transportation of insane persons to the Hospitals for the Insane, and of incorrigibles to the State Reform School, repealing laws inconsistent with this act and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The State Board of Control shall have charge and supervision of the transportation of convicts to the State Penitentiary, of insane persons to the Hospitals for the Insane, and of incorrigibles to the State Reform School, and are hereby invested with authority to employ necessary persons for such purpose. All sums of money appropriated for the transportation of the persons hereinbefore mentioned shall be expended under the direction of the State Board of Control. And the State Auditor shall draw warrants upon vouchers approved by the State Board of Control.

Supervision of  
Board of  
Control.

SEC. 2. All acts, or parts of acts, in conflict herewith, are hereby repealed. *Repeal.*

SEC. 3. The State Board of Control is hereby authorized to make and promulgate rules and regulations to carry into effect the provisions of this act.

SEC. 4. An emergency is hereby declared to exist and *Emergency.*

this act shall be in force from and after its passage and approval.

Passed the House March 6, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 122.

(H. B. No. 227)

### LICENSING SALE OF SPIRITUOUS OR OTHER INTOXICANTS.

AN ACT relating to the issuing of licenses by counties, cities and towns for the sale or disposal of spirituous, fermented, malt or other intoxicating liquors, and providing for the payment to the State of its proportionate share of the license fee.

*Be it enacted by the Legislature of the State of Washington:*

Validity of  
license.

SECTION 1. That no license issued by any county, city or town in the State for the sale or disposal of spirituous, fermented, malt or other intoxicating liquors shall be valid until the State's proportionate part of the fee, required to be paid by such county, city or town, shall have been paid to the State Treasurer.

Duty of state  
treasurer.

SEC. 2. The officer of such county, city or town whose duty it is to issue such license shall immediately upon issuing such license, transmit the same, together with the State's proportionate part of such fee to the State Treasurer, and such Treasurer shall thereupon indorse upon said license his receipt for said money, under his official seal, and return said license to the officer transmitting the same to him.

Passed the House February 15, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 123.

(H. B. No. 181)

## REAPPRAISEMENT OF TIDE LANDS AT SOUTH BEND.

AN ACT providing for the reappraisement of the tide lands in front of and adjacent to the city of South Bend, in the County of Pacific, State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Board of State Land Commissioners shall on or before the first day of September, 1905, make or cause to be made a reappraisement of all of the tide lands of the first class, at, in front of, and adjacent to the City of South Bend, in the County of Pacific in the State of Washington, not heretofore conveyed by deed from the State, the original appraisalment of which is disproportionate to or the value of such tide lands; and such appraisalment, when made, shall be in lieu of the original appraisalment. In lieu of original appraisalment.

SEC. 2. Report of the appraisalment of the tide lands herein authorized shall be made in duplicate, and one of each shall be filed with the State Commissioner of Public Lands, and one with the Auditor of Pacific County. Filing of report.

SEC. 3. The owner or owners of land abutting or fronting upon any of the tide lands herein authorized to be appraised shall have the preferential right for sixty days following the filing of the final appraisalment with the State Commissioner of Public Lands and County Auditor to apply for the purchase of all or any portion of the tide lands in front of the lands so owned. Preference right to purchase.

SEC. 4. The general laws of this State in reference to the appraisalment and sale of tide lands, when not inconsistent with the provisions of this act, shall be applicable hereto. General laws applicable.

Passed the House February 28, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 124.

(S. Sub. B. No. 212)

REQUIRING CERTAIN WEIGHTS TO BE INCLUDED IN  
WEIGHT OF CARS LOADED WITH LUMBER.

AN ACT requiring railroad companies and other common carriers to include in the weight of cars used for the shipment of lumber and other manufactured lumber products the weight of the standards, supports, strips, railings, chains and other appliances necessary to the safe carriage of such lumber and other manufactured lumber products, fixing the weight of such appliances and the manner of adjusting freight charges on such shipments, and providing penalties for its violation, and punitive damages.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply every and all flat cars, and cars belonging to any and every railroad company, or other person engaged in the business of carrying for hire in this State, and which may be furnished on which to load any lumber or other manufactured lumber products, shall constitute and be held and considered part and parcel of said cars, and the weight of same shall be added to the weight of the cars, and shall be deducted from the weight of the cargo of lumber or manufactured lumber products shipped, so that the freight charges shall be charged by the carriers only on the cargo carried.

1000 lbs. to  
be deducted.

SEC. 2. For the purpose of this act, the weight of such standards, supports, stays, railings, equipments, chains, appliances, contrivances, etc., provided for in the first section of this act, shall be, and the same is hereby fixed at 1000 pounds, and in estimating and adjusting the freight charges on all lumber and manufactured lumber products carried on cars by a railroad company or other common carrier in this State, 1000 pounds per car shall in each case be deducted by such railroad company or other common carrier from the net weight of the lumber and manufactured lumber products so carried upon such car, and freight shall be charged on the balance only.



SEC. 3. Any railroad company or other common carrier, <sup>Violation—  
penalty.</sup> and any officer, agent or employee of any railroad company, or other common carrier, and any and every person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25, nor more than \$100, for each unlawful act, and the knowledge and acts of agents or persons employed by corporations in and about the matters covered by or referred to in the provisions of this act, shall be held to be the knowledge and acts of such corporations as well as of such agents and employees.

SEC. 4. If any freight charges are collected contrary to <sup>Suits to re-  
cover charges  
paid.</sup> any of the provisions of this act by any common carrier operating in this State, they may be recovered from such common carrier in a suit at law by the person, firm or corporation from whom they were so collected, together with a sum equal to treble the amount thereof as punitive damages.

Passed the Senate March 3, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 125.

(S. B. No. 176)

### AMENDING ACT OF 1895 FOR INCORPORATION OF ASSOCIATIONS FOR SOCIAL, CHARITABLE AND EDUCATIONAL PURPOSES.

AN ACT to amend section 5 of an act entitled, "An act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21, 1895.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 5 of the act approved March 21, 1895, entitled "An act to provide for the incorporation of associations for social, charitable and educational purposes," be and the same is hereby amended to read as follows:

Section 5. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary secretary, and by the adoption of by-laws, and the election of a president, secretary, treasurer and a board of trustees, not less than three nor more than twenty-five in number, and such other officers as may be provided for by the by-laws. At such first meeting no person shall be eligible as an officer or trustee who has not subscribed to the agreement of the association, but any corporation now or hereafter organized under this act, may, by a by-law, increase or diminish the number of trustees, within the limits hereinbefore provided. The temporary secretary shall make and attest a record of the proceedings until the secretary has been chosen.

Passed the Senate February 23, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 126.

(S. B. No. 93)

### REQUIRING WEIGHING OF CARS LOADED WITH LUMBER AT JUNCTION OR COMMON POINTS.

AN ACT requiring railroad companies to weigh cars loaded with lumber, shingles and other forest products at junction points, and at some common point or points, and fixing penalty; repealing Chapter CXLIV, Session Laws of 1901.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That all railroad companies operating as common carriers within the limits of this State, shall hereafter be required to provide scales, and weigh at junction or at some common point within this State all cars loaded with lumber, shingles or other forest products for shipment.

SEC. 2. All charges for freight on said commodities, except where error is apparent, shall be based on the weights determined by the weighing stations within the limits of this State, and all bills of lading of railroad companies operating within the limits of this State shall specify these pro-

Scales at  
junctions.

Charges—  
how based.

visions: *Provided*, This act shall not apply to switching charges or to the handling of logs where the charges is by the car or by the thousand feet.

SEC. 3. Any railroad company's employe acting as weigher shall upon request of any shipper give him a statement showing gross and net weight of any shipment by him. Sworn count and weight of shipper shall be presumptive evidence of true weight where error in railroad weights is apparent. Statement of railroad company.

SEC. 4. All cars shall be weighed on the scales separately, and not attached to other cars, and at a stand-still. Separate weighing.

SEC. 5. In case of violation of the provisions of this act by any railroad company, it shall pay a penalty of twenty dollars (\$20) for every car it shall neglect to weigh and bill within the State as above provided, to be recovered from such company in action where there is any agent of such railroad company who may be served with process, and the penalties recovered under this act shall be paid into the county treasury in such county where action is taken. Penalty for violation.

SEC. 6. Nothing contained in this bill shall interfere with the right of the shipper and carrier to enter into a private contract regarding weights when it is impracticable to weigh.

Passed the Senate February 27, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 127.

(H. Sub. B. No. 70)

**AMENDING ACT OF 1901 RELATING TO ASSESSMENTS OF STATE, SCHOOL AND GRANTED LANDS FOR DRAINAGE PURPOSES.**

AN ACT relating to the payment of assessments made on State, school, granted or other lands for the purpose of dikes and drainage, and amending Section twenty-five of an act entitled, "An act providing for the establishment and construction of ditches for drainage purposes," approved March 8, 1901, (same being Section 4594, of Pierce's Washington Code), and making an appropriation therefor and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section twenty-five of an act entitled, "An act providing for the establishment and construction of ditches for drainage purposes," approved March 8, 1901, (same being section 4594 of Pierce's Washington Code), be and the same is hereby amended to read as follows: Section 25. All State, school, granted or other lands shall be included within the provisions of this act, and whenever any such land will be benefitted by such improvement they shall be included in the apportionment of the costs of the improvement. When an assessment has heretofore been made or is hereafter made against any such land for such improvement it shall be assessed according to the subdivision thereof and such land thereby placed upon the tax rolls the same as other land. Should such State land not be sold by the State before any assessment heretofore or hereafter made becomes delinquent then the Commissioner of Public Lands shall direct the payment of such tax out of the general fund of the State treasury, and on the tax rolls shall be entered opposite said tax the words "charged to the State revenue fund." The valuation of said State land benefitted by said improvement shall not be raised by or on account of said improvement and when any of said land is offered for sale there shall be added to the appraised value for such lands as provided for by law the amount of such payments made by the State out of the general fund, which amount so added shall be paid by the purchaser in cash at the time of

4594 Pierce.

Lands to be included.

Paid out of general fund.

Valuation not to be raised.

the sale of said land in addition to the amount due the State for said land, and such additional sum shall be turned over to the State Treasurer and placed to the credit of the general fund.

SEC. 2. That in all instances when any assessment heretofore made or shall hereafter be made on state, school, granted or other lands for the purpose of dikes and drainage, the same shall be collected and paid in accordance with the provisions of section one of this act. Dikes and drainage.

SEC. 3. That there is hereby appropriated out of the general fund the sum of \$5000 to be applied as provided in this act for the payment of assessments heretofore or hereafter made upon state, school, granted or other lands. Appropriation.

SEC. 4. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House February 21, 1905.

Passed the Senate March 9, 1905.

Approved March 9, 1905.

## CHAPTER 128.

(H. B. No. 147)

### AMENDING ACT OF 1897 PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT entitled an act to amend Section 64 of "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 64 of "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, be and the same is hereby amended to read as follows: Section 64. The County Auditor shall extend the taxes upon the assessment books in the form herein prescribed. The rate per cent. necessary to raise the required amount of the total tax for state, county indebtedness, county current expense, road, bridge, school, special school and incorporated cities, and all other county, Extension of tax on rolls.

Consolidated  
tax certified  
to auditor.

school, municipal and State purposes, shall be computed on the assessed valuation as equalized by the county board of equalization as a whole, under the head of consolidated tax. The rate per cent. necessary to raise the required amount of any special district tax shall be computed as to the attested valuation of property within such district, as equalized by the county board of equalization; all taxes assessed against any property shall be added together and carried to the total column. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills, it shall be made one cent, and whenever it amounts to five mills or less than five mills, it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate per cent. of consolidated tax and of such special tax at the head of the proper columns, on the first day of each month the County Treasurer shall distribute *pro rata*, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the County Auditor.

Passed the House February 15, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 129.

(H. B. No. 124)

### RELATIVE TO SAVINGS BANKS AND SAVINGS SOCIETIES AND INSTITUTIONS.

AN ACT in relation to savings banks, savings and loan societies, and institutions in which deposits of money are made.

*Be it enacted by the Legislature of the State of Washington:*

Sworn state-  
ment to secre-  
tary of state,  
every two  
years.

SECTION 1. The cashier or secretary of every savings bank, and loan society, and every institution in which deposits of money are made, shall, within fifteen days after the first day of December, in the year one thousand nine hundred and five, and within fifteen days of the first day of December, of each and every second succeeding year thereafter, return to

the Secretary of State of the State of Washington a sworn statement showing the amount standing to his credit, the last known place of residence or postoffice address, and the fact of death if known to said cashier or secretary of every depositor who shall not have made a deposit therein, or withdrawn therefrom any part of his deposit, or any part of the interest thereon, for the period of more than ten years next preceding; and the cashiers and secretaries of such savings banks, savings and loan societies and institutions for deposit of savings shall give notice of these deposits in one or more newspapers published in or nearest to the city, county or town where such banks are situated at least once a week for four successive weeks, the cost of such publications to be paid *pro rata* out of said unclaimed deposits: *Provided* however, That this act shall not apply to or affect the deposit made by or in the name of any person known to the said cashier or secretary to be living. The Secretary of State shall annually turn over all reports made by him to the Attorney General for proceedings for forfeiture, if he shall be so advised.

Secretary of  
state to report  
to attorney  
general.

SEC. 2. Any cashier or secretary of any of the banking institutions mentioned in section 1 of this act neglecting or refusing to make the sworn statement required by said section 1 shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than one thousand dollars or confined in the county jail not less than ten days nor more than ninety days, or both such fine and imprisonment.

Penalty for  
violation.

Passed the House February 15, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 130.

(H. B. No. 170)

## AMENDING ACT OF 1893 CREATING A STATE OYSTER COMMISSION.

AN ACT to amend section 14, Chapter 166, Session Laws 1903, of an act entitled, "An act to create a State Oyster Commission, to define its duties and powers, to provide for the protection and management of the State oyster land reserved, to create a fund to be known as the Oyster Fund, providing for the issue of license to take oysters from the State oyster land reserves, providing for a penalty for violation of the provisions of this act, making an appropriation, and declaring an emergency."

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section fourteen of an act entitled, "An act to create a State Oyster Commission, to define its duties and powers, to provide for the protection and management of the State oyster land reserves, to create a fund to be known as the Oyster Fund, providing for the issue of license to take oysters from the State oyster land reserved, providing for a penalty for violation of the provisions of this act, making an appropriation and declaring an emergency," approved March 16, 1903, be amended to read as follows: Section 14. For the purpose of carrying out the provisions of this act

**Appropriation** the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the State into the Oyster Fund: *Provided, however,* That within two years from the date of the passage of this act, the amount hereby appropriated shall be reimbursed by the Oyster Fund to the General Fund.

Passed the House March 3, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.



## CHAPTER 131.

(H. B. No. 313)

**EMPOWERING COUNTY COMMISSIONERS TO CREATE GAME RESERVES ON CERTAIN ISLANDS.**

**AN ACT** granting to Boards of County Commissioners the power to create game reserves on certain islands within their respective counties, making it unlawful to take game from such reserves and prescribing a penalty for a violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

**SECTION 1.** The board of county commissioners of any county within this State may establish game reserves on any island within the borders of their respective counties, upon Petition— petition of two-thirds of the freeholders of any such island and upon the presentation of a petition signed by two-thirds of the resident freeholders of any island to the board of county commissioners of the county in which said island is situated. It shall be the duty of such board of county commis- duty of board sioners to designate a day upon which said petition shall be heard and to post notices to this effect in at least three conspicuous places on such island; said notices shall be posted at least ten days prior to such hearing. It may be the privilege of any resident on such island to appear at such hearing, and defend or oppose the granting of said petition. It shall be the duty of the board of county commissioners to pass upon such petition within ten days after the said hearing and if it appears to them that the said petition is the wish of two-thirds of the freeholders of the said island it shall be their duty to make an order and have same entered in the official records of the board establishing said island as a game reserve.

**SEC. 2.** A copy of the order of the board of county com- Publication of board's order. missioners establishing any island as a game reserve shall immediately after such order is made be published three times in at least two newspapers of general circulation in the county and every person thereafter who shall injure, take, kill or destroy or have in his possession except for breeding purposes sell or offer for sale any deer, blue grouse, ruffed grouse, sharp-tailed grouse, American pheasants, Mongolian pheasants, golden pheasants, bobwhite quail, or California

quail taken from said reserve shall be guilty of a misdemeanor.

Penalty for violation.

SEC. 3. Every person convicted of a violation of any of the provisions of this act shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and in default of payment of fine imposed shall be imprisoned in the county jail of the county wherein the offense was committed until such fine shall have been paid at the rate of one day for each two dollars (\$2.00) of fine imposed.

Disposition of fines received.

SEC. 4. All money collected from fines for the violation of the provisions of this act shall be paid into the general fund of the county for the benefit of the public schools in said county.

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 132.

(H. B. No. 132)

### APPROPRIATION FOR RELIEF OF HENRY SOMMERS.

AN ACT for the relief of Henry Sommers and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the sum of one hundred and sixty-five dollars be and the same hereby is appropriated (out of any money in the State treasury not otherwise appropriated) for the purpose of reimbursing Henry Sommers for moneys paid to the State as rent and expended in preparation for his use and occupation of a tract of land leased to him by the State of Washington on the twenty-first day of December, 1897, but which he was prevented from occupying or using by legal proceedings in the Superior Court on the ground that the State had no authority to lease said land.

SEC. 2. The State Auditor is hereby authorized and directed to draw his warrant for said sum upon the State

Treasurer in favor of said Henry Sommers and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State treasury not otherwise appropriated, in full settlement of all claims against the State of Washington.

Passed the House March 3, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 133.

(H. B. No. 221)

### APPROPRIATION TO COVER SUNDRY DEFICIENCIES.

AN ACT making an appropriation for certain deficiencies for the fiscal period ending March 31, 1905.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The following sums, or so much thereof as may be necessary are hereby appropriated out of the general fund for the purposes hereinafter designated in payment of deficiencies of the present fiscal period not hitherto provided for, and the State Auditor is directed to draw his warrants in payment of the same, on presentation to him of properly certified vouchers, to-wit:

Standard Furniture Company, for fitting up of the new Capitol Building, carpets, chairs, tables, matting, window shades, cuspldors, desks, bookcases, etc., for the Chamber of the House of Representatives and the Offices of the State Auditor, Secretary of State, Attorney General, Superintendent of Public Instruction, Labor Commissioner, and Board of Control .....	\$4,566.00	Incidentals for and maintenance of capitol building.
Frederick & Nelson, for carpets, chairs, tables, desks, window shades and other furniture for the Senate Chamber and Secretary of State's Office .....	2,249.84	
I. Harris & Sons, for carpets, window shades and fixtures for the Secretary of State's Office .....	503.68	
Mills & Cowles, for nails, screws, tacks and hooks for the House of Representatives and Senate Chambers .....	7.00	
Hugh Ross, for paints, oils, brushes, sponges, soap, etc., for the House and Senate Chambers .....	39.05	
Marion E. Giles, for painting signs, door panel and wood work in the Senate Chamber .....	21.00	
Mills & Cowles, for locks, castors, door checks, screws and screw eyes, etc., for the Senate Chamber .....	37.25	

M. O'Connor, for tables, chairs, curtains, desks, etc., for Senate Chamber and Committee Rooms .....	1,335.00
G. H. Gorman & Co., for repairs to locks and key work in Senate Chamber .....	16.35
D. C. Bates Furniture Company, for furniture for Committee Rooms for the House and Senate .....	804.95
M. O'Connor, furniture Senate Rooms .....	204.25
Olympia Door Company, material for Senate additions, doors and repairs .....	576.25
Deficiency appropriations for expert testimony of architects in the Goss Construction Co. vs. the State of Washington, in suit conducted by Attorney General Stratton.....	120.00
Deficiency appropriation for the State Dairy Food and Oil Commission, months of February and March, 1905.....	200.00
Maintenance of Capitol building for month of January, paid by the Capital National Bank .....	833.81
For January not paid Olympia Water Works.....	66.25
For January not paid Light & Power Co., for lighting vaults..	10.70
For month of February pay roll paid by Capital National Bank .....	1,162.50
Wood not paid for .....	292.50
Olympia Water Works, water not paid .....	69.90
Washington Rubber Co. ....	4.89
Olympia Light Co., for light in vaults .....	17.90
Kilbourne Glowers, for lighting Capitol .....	4.50
March wood account .....	81.84
Drayage .....	8.60
Pay roll .....	850.00

Passed the House March 9, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 134.

(H. B. No. 254)

### PROVIDING A CLOSED SEASON FOR CRABS.

AN ACT to provide for a closed season for crabs in the State of Washington, to prohibit the sale or canning thereof, and fixing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That it shall not be lawful for any person or persons, firm or corporation, or any person whatsoever, to take or fish from any of the waters of the State of Washington, or have in their possession after the same has been taken, for the purpose of sale or canning, any crab during the months of July, August and September, of each year.

SEC. 2. It shall not be lawful for any person or persons, <sup>Limit of size.</sup> firm or corporation, to take or have in their possession, for the purpose of sale or canning, where it is lawful to sell and can the same, any female or any male crab measuring less than six inches across its back.

SEC. 3. Any person violating section one or two of this <sup>Penalty.</sup> act shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than ten nor more than one hundred dollars.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 135.

(H. B. No. 208)

### PROVIDING FOR PURCHASE OF LAND ADJOINING STATE REFORM SCHOOL.

**AN ACT** to provide for the purchase of additional land adjoining grounds upon which is located the buildings of the State Reform School and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be and is hereby appropriated out <sup>Appropriation</sup> of the general fund in the State treasury, not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for the purchase of one hundred ten acres, more or less, of land adjoining the grounds upon which is located the buildings of the State Reform School.

SEC. 2. The State Board of Control is hereby authorized <sup>Authority of Board of Control.</sup> and empowered to negotiate and purchase said tract of land in accordance with the provisions of this act.

SEC. 3. The State Auditor upon the presentation of the vouchers from the Board of Control is hereby authorized to draw a warrant upon the general fund of the State of Washington for such sum or sums and the State Treasurer is hereby authorized and directed to pay such warrant or warrants.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 136.

(H. B. No. 297)

## REVENUE AND TAXATION.

AN ACT relating to revenue and taxation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the county treasurer of each county shall carry forward to the current tax roll a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite the property upon which the said taxes are delinquent, in a column provided for that purpose, showing the amounts for each year.

**Current tax.** SEC. 2. The owner or owners of property against which there are delinquent taxes, shall have the right to pay the current tax without paying any delinquent taxes there may be against said property: *Provided however*, That in issuing a receipt for such current tax the county treasurer shall endorse upon the face of such receipt a memorandum of all delinquent taxes against the property therein described, showing the year for which said tax is delinquent and the amount of delinquent tax for each and every year.

Passed the House February 28, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 137.

(H. B. No. 135)

## CREATING A PUBLIC HIGHWAY FUND.

AN ACT creating a fund to be known as the Public Highway Fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby created a fund to be known as the Public Highway Fund.

SEC. 2. For the purpose of raising revenue to repair and construct highways and bridges, the proper State officers shall levy and collect a tax of one-fourth of one mill upon  $\frac{1}{4}$  of 1 mill. all the property in the State subject to taxation for the fiscal year commencing March 1, 1906, and for each fiscal year thereafter. That the funds provided by such levy shall be placed in said Public Highway Fund.

Passed the House February 15, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 138.

(H. B. No. 256)

### TRANSPORTATION TO THEIR HOMES OF NON-RESIDENT INSANE PERSONS.

**AN ACT** to provide for the sending of non-resident insane persons to their places of residence at the expense of the State.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Whenever any person shall be found by the superior court of any county to be insane, and a fit subject for custody and treatment in the hospital for the insane, and such person has no legal residence within this State, such person shall be sent at the expense of the State, to the place where such person belongs in every case where such place of residence can be ascertained. And it shall be the duty of the superior court at the time of the inquest to ascertain the place where such person belongs when the same can be conveniently done. The sheriff of the county shall convey such person to the place where he belongs, and shall charge the same fees for such services as he is now allowed by law for the transportation of patients to the hospital for the insane, which shall be paid out of the State treasury.

SEC. 2. All laws and parts of laws in conflict with this ~~Repeal.~~ act are hereby repealed.

Passed the House February 28, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 139.

(H. B. No. 367)

## CHANGING NAME OF SCHOOL FOR DEFECTIVE YOUTH.

AN ACT to change the name of the State Institution located at Vancouver, Washington, from "State School for Defective Youth" to "State School for the Deaf and the Blind."

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the name of the State institution located at Vancouver, Clarke County, Washington, now known as the State School for Defective Youth, is hereby changed to the State School for the Deaf and the Blind, by which name said institution shall hereafter be called and known.

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 140.

(H. B. No. 216)

## AMENDING ACT OF 1899 RELATIVE TO PROPAGATION OF FOOD FISHES.

AN ACT to amend Sections four and nine of an act of the Legislature of the State of Washington, approved March 13, 1899, entitled, "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section four of an act of the Legislature of the State of Washington, approved March 13, 1899, and entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses,



fixing penalties, repealing conflicting laws, and declaring an emergency," be, and the same is, hereby amended to read as follows: Section 4. No lead of any pound net, trap, fish wheel or other fixed appliance used or operated in the waters of the Columbia river or its tributaries, Willapa Harbor or Grays Harbor in this State for catching salmon shall exceed eight hundred feet in length, and in the waters of Puget Sound two thousand five hundred feet in length. There shall be an end passage way of at least thirty feet, and a lateral passage way of at least nine hundred feet, between all pound nets, traps, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of the Columbia river and its tributaries, Willapa Harbor and Grays Harbor within this State, and there shall be an end passage way of at least six hundred feet and a lateral passage way of at least twenty-four hundred feet between all pound nets, traps, weirs or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this State. For the purpose of determining end passage ways, base lines shall be drawn at right angles with the general course of locations first originally established and intersecting the ends thereof, and the end passage ways shall be measured at right angles from such base lines: *Provided*, This amendment of section four shall not affect any locations lawfully existing under previous statutes when this act takes effect; and any or all such fishing appliances may be maintained upon such existing locations as though this act had not been passed, or they may be changed to conform to the provisions hereof as to end passages at the option of the location owners and holders thereof.

Size of nets.

Base lines at right angles.

SEC. 2. That section nine of said act be, and the same is, hereby amended to read as follows: Section 9. Every person, firm or corporation who at the time this act takes effect shall be lawfully occupying any set net, pound net or fish trap location in the waters of Puget Sound in the State of Washington under any provisions of the statutes of this State, or who thereafter may desire to so occupy any unoccupied or unclaimed fishing location where it may be lawful to construct a set net, pound net or fish trap in said waters, shall within sixty days after this act takes effect in the case of existing locations, and at the time they are sought to be made in the case of new locations, cause all such locations to be accurately surveyed by a competent civil engineer,

Survey of locations, when.

unless such like survey thereof of any location has already been made, in which case such existing survey may be used; and such occupant or claimant shall cause a location map to be made of each fishing location from the actual survey thereof, said map to contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises; such map must be certified by the engineer who made the survey, to be a true and correct map of the fishing location as shown, which is platted thereon from his survey thereof, made on behalf and at the request of the occupant or claimant (naming him). Such map shall also contain a certificate of the occupant or claimant of said location, stating that he claims the fishing location shown on the map, and specifying the date and number of the license under which said location is held; such last mentioned certificate may be signed by the occupant or claimant or by his agent or attorney in his behalf, and shall contain the post-office address of the occupant or claimant. Such map with the certificates thereon shall be filed in the office of the county auditor of the county in which such fishing location is situated, and shall from the date of its filing constitute full and complete notice that the location shown upon said map is owned, held, occupied and claimed by the person, firm or corporation designated thereon as occupant or claimant. A duplicate copy of such map shall also be filed (for information only) with the Fish Commissioner of the State of Washington, or of the district within which such location is situated. And it shall be the duty of all county auditors and fish commissioners, in whose office any such maps may be offered for filing, to receive and safely keep same on file in their respective offices. They shall also keep a proper and convenient index of all such maps, showing the time and dates of the filing, the names of the occupants or claimants on whose behalf such maps are filed, and the serial numbers of the maps in the order filed, all of which must be endorsed on the respective maps when filed; but no informality or omission on the part of any such public officer shall impair or prejudice the rights of any occupant or claimant of or to any such fishing location. Every person, firm or corporation being the owner, holder or occupant of any one or more existing set net, fish trap or pound net locations when this act takes effect, shall have the exclusive and preference right for ninety days thereafter within which to file such maps

**Map—what  
to contain—  
where filed.**

**Duty of  
county  
auditors and  
fish com-  
missioners.**

**Preference  
right to file  
maps.**

with the respective county auditors. From and after the filing of any such map in the office of any county auditor, the occupant or claimant of the fishing location thereon shown, and his heirs, successors and assigns shall have the exclusive right to occupy, maintain and fish such location, to renew the licenses therefor, and to mortgage, sell and transfer such right, during such time as he or they shall comply with the requirements of the laws of the State of Washington, pertaining thereto in other respects. It shall not be necessary hereafter to drive any location piles to indicate fish traps or pound net locations within the waters of Puget Sound in the State of Washington, and all such existing piles shall be removed from such location by the owners and occupants thereof, within ninety days from the date this act takes effect. Upon the construction of any fish trap or pound net, the number of the license under which same is held shall be posted in a conspicuous place thereon and there maintained until such trap is removed: *Provided however*, If the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. At the close of each annual fishing season on Puget Sound the owner and holder of each set net, fish trap or pound net shall remove from the location all piles and structures of every kind. Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: *Provided*, That no seine location the title to which is in the State shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by erecting a permanent monument near or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: *Provided*, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or used upon any streams or rivers of this State shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers: *Provided however*, That in the Columbia river and its tributaries, Willapa Harbor and its tributaries, Grays Harbor, and its tributaries, any person or corporation, after

Location  
piles—not  
necessary.

Number of  
license to be  
posted.

Drag seines.

Set nets.

Space to be  
occupied  
limited.

first having obtained a license as provided for in this act, shall indicate locations for traps or pound nets made under such license, by driving at least three substantial piles thereon, which must extend not less than ten feet above the surface of the water at high tide, one of said piles to be driven at each end of the location claimed, and upon said terminal piles there must be posted the license number, and if the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. After any such trap or pound net has been located, the owner thereof may file a description thereof sufficient for identification with the fish commissioner, and shall thereafter have the exclusive right to fish such location and to sell and transfer such right during such time as the locator or owner of such right shall comply with the requirements of the law pertaining thereto in other respects. Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: *Provided*, That no seine location the title to which is in the State shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by erecting a permanent monument or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: *Provided*, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or used upon any streams or rivers of this State shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers.

Description.

Lateral passage ways.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House March 3, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

CHAPTER 141.

(H. B. No. 830)

PROHIBITING COMBINATION OF POISONOUS SUBSTANCES  
WITH BREAD, ETC.

AN ACT in relation to poisons and prohibiting the combination of poisonous substances with crackers, bread or other preparations in any manner resembling or in similitude of any edible product and prescribing penalties for its violations.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. It shall be unlawful for any person to sell, offer for sale, use, distribute, or leave in any place, any crackers, biscuit, bread or any other preparation resembling or in similitude, of any edible product, containing arsenic, strychnine or any other poison.

SEC. 2. Any person violating the provisions of this act **Penalty.** shall upon conviction be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred dollars (\$500.00).

Passed the House March 6, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 142.

(H. B. No. 226)

## AMENDING CODE OF PUBLIC INSTRUCTIONS TO ESTABLISH A UNIFORM SYSTEM OF PUBLIC SCHOOLS.

AN ACT to amend sections 77, 78, 92, 95, 97, 119 and 120 of an act entitled, "An act to establish a general uniform system of public schools in the State of Washington, and repealing Chapter VI of Title III, Chapter VII of Title V, all of Title X except Chapter XVII, Chapter IV of Title L, all being of Volume I of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled 'An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another,' approved March 9, 1893; also repealing an act entitled, 'An act to provide for the management and control of state normal schools in the State of Washington,' approved March 10, 1893, and all amendments thereto; also repealing an act entitled, 'An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency,' approved February 26, 1895; also repealing an act entitled, 'An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school district voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approved by the governor,' approved March 1, 1895; also repealing an act entitled, 'An act to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency,' approved March 13, 1895; said act of which this act is amendatory, being known and cited as the Code of Public Instruction of the State of Washington, and being Chapter CXVIII of the Session Laws of 1897, approved March 19, 1897.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section seventy-seven of the Code of Public Instruction of the State of Washington be amended to read as follows: Section 77. The regular district election in

District elections—when held.

each district contemplated by this chapter shall be held upon the first Saturday of December (formerly November) in each year, beginning with the year 1903. The board of directors shall cause written or printed notices to be posted, specifying the day and place of such election, and the time during which the ballot box will be kept open; not less, however, than six hours. Said notices shall be posted in at least one place in each ward in the district at least twenty days previous to the time of election. Said notices shall also be published three times in two daily papers published in the district, and if there be no daily or dailies, then in the weekly paper or papers in three regular issues next preceding the day of such election. If the board of directors fail to give notice at such time, as herein provided, then any five legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed by this title for such election. All elections shall be by official ballot and in the absence of any notice specifying the hour, the ballot box shall be opened at one o'clock P. M. and be closed at eight o'clock P. M. The official ballot shall be printed and furnished by the board of directors, and shall contain the names of all candidates whose names have been presented by petitions filed with the secretary of the board not less than ten days before the day of election. The names of no other candidates shall appear upon said official ballots, and no other ballots shall be received or counted.

Notices.

Ballots.

SEC. 2. That Section seventy-eight of said Code of Public Instruction be amended to read as follows: Section 78. The board of directors shall, at a regular meeting, provide not more than two voting places in each ward of the city, and appoint judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of the State applicable thereto not otherwise provided for: *Provided*, That only those persons, male and female, who have complied with the laws governing registration in cities, of the class for which this section provides, shall be permitted to vote and that no person shall be permitted to vote at said election except in the ward in which he or she resides. In cities of ten thousand or more inhabitants books of registration shall be open for the purpose of registration at not more than two convenient places in the district to be designated by the board of directors, on each day between the hours of nine o'clock A. M., and four o'clock P. M., of each day, ex-

Polling places.

Eligibility to vote.

Registration.

cept legal holidays, and they shall be closed, and no names shall be registered therein, during the five days preceding any general or special election held in such district. The secretary of the board shall give notice of the closing of the books of registration in his district by a notice published in a newspaper of general circulation, published in his district, at least ten days before the day for first closing of said books: *Provided however*, That any elector of said district who has duly registered as a voter at any general election in said district, shall be allowed to vote at the next succeeding school election held in the same year without registration: *Provided further*, That the city clerk or other municipal officer in whose custody the registration books of the general election are kept, shall furnish to the secretary of the board, on the morning of the day of any school election, the registration books of said city or a copy thereof, which said registration books shall be returned within two days after said election. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy.

Vacancy in  
judgeship.

Duties and  
powers of  
boards.

SEC. 3. That Section ninety-two of said Code of Public Instruction be amended to read as follows. Section 92. Every board of directors shall have the power, and it shall be their duty—

City superin-  
tendent.

*First:* To employ a city superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

Rules.

*Second:* To enforce the rules and general regulations of the Superintendent of Public Instruction and to prescribe a course of study and a program of exercises which shall be in harmony with the course of study prepared by the State Board of Education for the use of the common schools of this State.

Furniture.

*Third:* To provide for school furniture and for everything needed in the school houses.

By-laws.

*Fourth:* To make necessary by-laws for more effectively carrying out the provisions of this act, and for facilitating the work of the board, as required by law.

*Fifth:* To adopt and enforce such rules and regulations as may be deemed essential to the well being of the schools, and to establish and maintain such grades and departments, including night, high, kindergarten, manual training and



industrial schools, and schools or departments for the education and training of any class or classes of defective youth, as shall, in the judgment of the board, best promote the interests of education in that district.

*Sixth:* To suspend and expel pupils from school who refuse to obey the rules thereof. Suspension of pupils.

*Seventh:* To employ, and, for cause, to dismiss teachers, janitors, or other employes; to determine the length of time over and above eight (8) months that school shall be maintained, to fix the time for annual opening and closing of schools, and for the daily dismissal of primary pupils before the regular time for closing schools. Teachers.

*Eighth:* To provide free text-books and supplies for all children attending school, when so ordered by a vote of the electors; or if free text-books are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them. Text books.

*Ninth:* To require successful vaccination as a condition of school membership and to provide free vaccination to all who are unable to pay for the same. Vaccination.

*Tenth:* To make, as soon as possible after the close of the school year, an annual printed report to the taxpayers of the district, showing in detail the receipts and disbursements of the school funds. Annual report.

SEC. 4. That Section ninety-five of said Code of Public Instruction be amended to read as follows: Section 95. No school property of any kind shall be sold by the board of directors without the consent of the district being first obtained, except it be property no longer required for the uses of the district, the value of which shall not exceed two thousand dollars.

SEC. 5. That Section ninety-seven of said Code of Public Instruction be amended to read as follows: Section 97. The board of directors shall annually, at a meeting next preceding the annual tax levy for State and county purposes, report to the board of county commissioners an estimate of the amount of funds in addition to estimated receipts from the State tax required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment Estimated funds.

of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said additional amount the same as other taxes: *Provided*, That for the purpose of the purchase of school sites and the erection of buildings, the board of directors may expend in cities having a population of more than ten and less than fifty thousand, a sum not exceeding fifty thousand dollars; in cities having a population of not less than fifty thousand nor more than one hundred thousand, a sum not exceeding one hundred thousand dollars; and, in cities having a population exceeding one hundred thousand, a sum not exceeding one hundred and fifty thousand dollars: *And, provided further*, That when any greater expenditure shall be required for said purposes in any one current school year, the question shall be submitted to a vote of the electors of the district at the time and place the board of directors may appoint. The board of directors shall, previous to such election, designate in at least one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such an election shall be held, the locality of the site or sites required and the proposed cost of the buildings to be erected thereon: *Provided*, That the board of directors of any school district of this State may proceed to condemn and appropriate sufficient land for a school house site, not to exceed one acre in extent; such condemnation proceedings shall be in accordance with the laws of this State providing for appropriating private property for public use.

Amount to be expended.

May condemn land—when.

Result of election certified to county treasurer.

SEC. 6. That Section one hundred nineteen of said Code of Public Instruction be amended to read as follows: Section 119. When authorized and empowered to issue bonds, as provided in sections one hundred seventeen and one hundred eighteen of this act, the board of directors shall, within thirty days after the date of the election, certify the result to the county treasurer, who shall immediately publish notice of the sale of such bonds, in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said notices must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem; also naming the hour and day for considering bids, and asking bidders to name price and rates of interest at

which they will purchase such bonds or any of them. Such bonds shall be issued in denominations of not less than <sup>Bonds.</sup> one hundred nor more than one thousand dollars (\$1,000), and shall contain upon their face the date of issue, the series of issue, rate of interest, where payable, time to run, option, if any, of district to redeem, and the printed or lithographed statement that said bond is issued under the provisions of this act, and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer in a book to be kept for that purpose, which must show the number, and such data, as is necessary to secure a complete record of such bond, series and amount of each bond, the person to whom the same is issued, name of the district issuing, together with the names of directors signing the same; and the said bond shall be endorsed by the treasurer, with his name and a full statement of the name of the person to whom and when issued, together with the number and series of said bond.

SEC. 7. That Section one hundred twenty of said Code of Public Instruction be amended to read as follows: Section 120. At the time named in said notice, it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids and sell said bonds or <sup>Bids—sale of bonds.</sup> any portion thereof to the person or persons making the most advantageous offer: *Provided*, The bonds shall never be sold below par, and the board of directors may reject any and all bids, and within eighteen months proceed to re-advertise the sale of such bonds as often as may be necessary, until the whole thereof shall be sold; and such board may also require all persons bidding for said bonds, except the State of Washington, to deposit one per centum of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district; otherwise, to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected. Upon the sale of bonds the board of directors shall, within ten (10) days, or as soon thereafter as practicable, deliver the <sup>Delivery of bonds.</sup> bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer shall upon

payment of the price agreed upon, deliver the same to the person or persons to whom sold, and placing the moneys arising from such sale to the credit of the special school fund of the said district. Fees for advertising shall be deducted from the proceeds.

Passed the House February 20, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 143.

(H. B. No. 244)

### ADMISSION IN EVIDENCE OF TAX DEEDS.

AN ACT relative to the admission in evidence of tax deeds.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Whenever it shall be necessary in any action in any court of law or equity, wherein the title to any real estate is in controversy, to prove the conveyance to any county of such real estate in pursuance of a foreclosure of a tax certificate and sale thereunder, a copy of the tax deed issued to the county containing a description of such real estate, exclusive of the description of all other real estate therein described, certified by the county auditor of the county wherein the real estate is situated, to be such, shall be admitted in evidence by the court, and shall be proof of the conveyance of the real estate in controversy to such county, to the same extent as would a certified copy of the entire record of such tax deed.

Passed the House March 3, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 144.

(H. B. No. 7)

**AUTHORIZING ASSESSMENTS FOR LOCAL IMPROVEMENTS  
OF STATE LANDS WITHIN LIMITS OF INCORPORATED  
CITIES AND TOWNS.**

**AN ACT** authorizing the assessment for local improvements of certain lands owned by the State of Washington and situated within the limits of incorporated cities or towns, and also authorizing such assessment of leasehold, contractual or possessory interests in certain other lands owned by the State situated within such cities or towns and which have been leased, or are held under contracts for the purchase thereof.

*Be it enacted by the Legislature of the State of Washington:*

**SECTION 1.** That all leasehold, contractual or possessory interests in any tide lands owned by the State of Washington in fee simple (in trust or otherwise), situated within the limits of any incorporated city or town in this State, and which have been leased by the State, or which are held by any person, firm, association, private corporation or municipal corporation under a contract of purchase from the State, may be assessed and charged for the cost of all local improvements specially benefiting such leasehold, contractual or possessory interest, which may be ordered by the proper authorities of such city or town; and such leasehold, contractual or possessory interest, for all the purposes of the assessment and collection of the cost of any such local improvement, shall be treated as the private property of such lessee or owner of such contractual or possessory interest: *Provided*, That the provisions of this section of this act shall apply only to tide lands: *And, provided further*, That nothing in this section shall be construed to affect the title of the State, nor shall any lien for such assessment attach to the fee simple title of the State.

**SEC. 2.** That all lands other than tide lands held or owned by the State of Washington in fee simple (in trust or otherwise), situated within the limits of any incorporated city or town in this State, may be assessed and charged for the cost of all local improvements especially benefiting such

Costs, how  
charged.

Tide lands  
excepted.

lands which may be ordered by the proper authorities of such cities or towns.

State prop-  
erty, in cities  
and towns,  
how assessed.

SEC. 3. In all local improvement assessment districts in any incorporated city or town in this State property in such district, other than tide lands, held or owned by the State shall be assessed and charged for its portion of the cost of such local improvement in the same manner as other property in such district: *Provided*, That none of the provisions of this act shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the State, or release or discharge any lessee of any such lands or property from any of the obligations, covenants or conditions of the contract under which any such lands or property are leased or held by any such lessee.

Certified  
statement to  
commissioner  
of public  
lands.

SEC. 4. Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any incorporated city or town in this State, the city or town treasurer shall certify and forward to the commissioner of public lands of the State of Washington a statement of all the lots or parcels of lands (other than tide lands), held or owned by the State, and charged on such assessment roll for the cost of such local improvement, separately describing each such lot or parcel of the State's land, with the amount of the assessment charged against it; the commissioner of public lands shall charge against each such lot or parcel of land owned or held by the State, the amount of the local assessment so certified by the city or town treasurer, and shall then certify said statement to the state auditor, who shall, at the next session of the Legislature, certify to the Legislature the amount of such local assessments charged against such land of the State, and the Legislature shall provide for the payment of the same, with interest, by appropriation out of the general fund of the State.

Auditor's  
certificate to  
legislature.

Lands offered  
for sale.

SEC. 5. When any land, other than tide land, owned or held by the State within incorporated cities or towns in this State, against which local improvement assessments have been paid as provided for by the provisions of sections two, three and four of this act, is offered for sale, there shall be added to the appraised value of such land, as provided by law, the amount of the local improvement assessments paid by the State, which amount so added shall be paid by the

purchaser in cash at the time of the sale of said land, in addition to the amounts otherwise due to the State for said land, and no deed shall ever be executed until such local assessment has been paid.

SEC. 6. The provisions of this act shall apply to all municipal corporations, and charter or ordinance provisions to the contrary notwithstanding.

SEC. 7. Nothing in any of the provisions of this act shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the State or any contract to purchase from the State any of its land or property, or any agreement under which any possessory or contractual interest in any lands of the State may be owned or held by any person, firm, association, private corporation or municipal corporation, or to waive, release or discharge any covenant, stipulation or obligation of any such lease, contract or agreement, and whether the lands involved be tide lands or other lands.

Existing  
leases not  
affected  
hereby.

Passed the House January 30, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 145.

(H. B. No. 158)

### AMENDING ACT OF 1903 FOR ASSESSMENT AND COLLECTION OF TAXES IN CITIES OF THIRD AND FOURTH CLASS.

AN ACT to amend Section six of "An act to provide for the assessment and collection of taxes in municipal corporations of the third and fourth class in the State of Washington and declaring an emergency," approved March 9, 1893.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section six of "An act to provide for the assessment and collection of taxes in municipal corporations of the third and fourth class, in the State of Washington and declaring an emergency," approved March 9,

1893, be and the same is hereby amended to read as follows: Section 6. As soon as the county auditor has completed the changes ordered by the state board of equalization, he shall forthwith notify the clerk of said corporation of the total assessed valuation of the property situated in such corporation as equalized by said state board, and the proper officers of such corporation shall forthwith proceed to **Certified levy.** fix and determine their levy for municipal purposes for such year, which levy shall immediately be certified to said county auditor, under the hand and seal of the clerk of said corporation. The county auditor shall thereupon extend said tax upon the property shown by such assessment roll to be within such corporation as fixed by such levy, at the same time and in the same manner as he extends the general county and State taxes, and deliver said roll to the county treasurer.

Passed the House February 15, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 146.

(S. Sub. B. No. 249)

### REGULATING THE SELECTION OF JURORS IN SUPERIOR COURTS.

AN ACT providing for and regulating the selection of jurors in the superior courts of the State; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict therewith.

*Be it enacted by the Legislature of the State of Washington:*

**Jurors, how appointed.** SECTION 1. The superior court for each county from the first to fifteenth classes inclusive shall upon the opening of court on the last Saturday in June of each year, by an order made in open court and entered of record, appoint



as jury commissioners two electors of the county chosen by the court from four recommended by the bar of the county at a meeting of the bar called by the court for that purpose; the persons so appointed shall not be of the same political party; and such court shall cause the persons so appointed to appear and in open court take, and such court shall administer to them jointly an oath in the following form: "You do solemnly swear (or affirm) that you will, Form of oath. during your term of office, perform the duties of jury commissioners faithfully and to the best of your ability; that in selecting persons to be drawn as jurors you will select none but persons whom you believe to be of good repute for intelligence and honesty; that you will select none that you have been or may be requested to select; and in all your selections you will endeavor to promote only the impartial administration of justice; so help you God."

SEC. 2. The commissioners so appointed shall hold their Term of office. office for the term of one year and until their successors are appointed and qualified.

SEC. 3. In open court within twenty days in counties Selection of jurors, in open court. of the first class, and within ten days in counties of the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth classes, the commissioners shall select the names of all the qualified jurors in the county as far as the commissioners may be able to ascertain the same from the latest tax rolls, and poll books of the county and deposit the same written on separate slips of paper of uniform size, shape and color in a box to be furnished by the clerk of the court for that purpose. In selecting and depositing such names the said commissioners shall, in all things observe their oath and they shall not select the name of any person who is to them known to be interested in any cause pending in the court by which such commissioners were appointed. When such names have been selected and deposited in such box the jury commissioners shall deliver the box, locked, and the key thereof, to the clerk of the court by which the commissioners were appointed; and such clerk shall at all times keep such locked box and said key separately in some safe List of names. and convenient place in his office. A list of the names so chosen shall be spread at large upon the journal of the court and all names subsequently drawn from the box shall

at the time of drawing be compared and checked in open court with the list as so recorded.

**Jurors, how  
drawn from  
list.**

SEC. 4. On the second Saturday in August and on the second Saturday in each calendar month thereafter except when the court may be in vacation, the superior court, on the opening of the court in the forenoon of such day, shall by an order made in open court and entered of record, direct to be drawn from such box such number of names as the judge of said court shall think requisite for the selection of petit jurors to serve during the ensuing calendar month, or shall think requisite for any grand jury which may have been or may be ordered for or during the ensuing three calendar months. Immediately upon the making of such order and before the transaction of any other business, the jury commissioners and the clerk of such court, or the deputy of such clerk, shall assemble in open court, and in the presence of such persons who may be or desire to be present, the clerk of such court or his deputy shall be blindfolded, and thereupon the box containing the names previously deposited therein by the jury commissioners, or such of such names as may yet remain in said box, shall be first well shaken so that the names therein shall be thoroughly mixed and said clerk or his deputy blindfolded as above provided, shall then draw from the box, one name at a time, the number of names previously ordered by such court; and the names so drawn shall be entered upon the journal of the court by the clerk, together with the certificate of the clerk of the drawing as above provided; and the names so drawn shall constitute the persons to be summoned to serve as petit jurors, or as grand jurors, as may be in accordance with the court's order previously made; thereupon the clerk shall issue a venire for summoning the said persons as petit jurors, or as grand jurors as the case may be. At the end of the month's service, unless sooner discharged by the court, all persons who have served as petit jurors during the month shall be discharged as jurors: *Provided*, That if at any time fixed for such discharge any of such persons shall be then serving upon the jury in such court in any cause the trial of which shall not then be concluded, or upon which such jury may then be deliberating, the persons upon such jury shall not be discharged until the conclusion of such trial or of the deliberation of such jury.

**Discharge  
of jurors.**

SEC. 5. Whenever the judge of such court shall be of opinion that by reason of numerous challenges in any cause, or for any other reason, there will or may not be sufficient persons drawn as in the last section provided, to constitute the necessary jury or juries for the trial of causes in such court during and before the time for the next drawing of jurors prescribed in Section 4 of this act, such court may, by an order made and entered of record, direct the jury commissioners and the clerk of such court to appear in open court at a time fixed in such order for the purpose of drawing as many names from such box as the court may in said order prescribe; and thereupon at the time fixed in said order the said commissioners and the clerk, or the deputy of such clerk, shall in open court appear, and the number of names prescribed in said order shall, by said clerk or his deputy, in the manner prescribed in section 4 of this act be drawn from such box; and thereupon the clerk shall issue a special venire for the summoning of the persons so drawn to serve as jurors. If for any reason the names in such box shall be exhausted, or so nearly exhausted that the number of names prescribed in any order of such court made, as in this section or in section 4 of this act provided, can not be drawn therefrom, the jury commissioners shall forthwith and in the manner provided in section 3 of this act select and deposit in said box the names of all the qualified jurors in the county, ascertained in the manner hereinbefore provided.

SEC. 6. The clerk of such court shall safely keep said box, and the same shall not be unlocked or opened except for the deposit or drawing of names as above required; and any person opening said box for any other purpose shall be deemed guilty of a contempt of court, and be punished summarily by the court by either fine or imprisonment or both in the discretion of the court.

SEC. 7. It shall not be a cause for challenge to any juror nor shall any juror be incompetent or excused for the reason that the name of such juror was selected and deposited in such box by a jury commissioner who was or is interested as a party or as an attorney or counsel or otherwise in any action pending in said court or which is to be or may be tried by or before any jury upon which such jury is called or chosen.

Contempt of  
court, by  
jurors.

SEC. 8. Any person appointed a jury commissioner who shall, except for cause deemed sufficient by the court appointing him, fail to take upon himself said office or fail or refuse to discharge any of the duties thereof shall be deemed guilty of contempt of court, and shall be summarily punished by the court, by fine or imprisonment, or both in the discretion of the court.

Vacancy in  
office of jury  
commissioner.

SEC. 9. Should a vacancy occur in the office of jury commissioner at any time, either by death, resignation or removal or for any cause the court shall fill such vacancy by appointment as in section 1 of this act provided; and the person so appointed shall serve during the unexpired term of his predecessor.

Compensa-  
tion—how  
paid.

SEC. 10. For the time actually employed in the performance of his duties each jury commissioner shall receive five dollars per day; and each jury commissioner shall present to and file with the clerk of the court appointing him at least once in three months an itemized statement of the time employed together with his claim for compensation therefor at the rate aforesaid, which bill shall be verified by the oath of such commissioner that the same is true and correct, and has not been paid; and thereupon such bill or statement shall be presented to the judge of the court appointing such commissioner, either in open court or in chambers, and if said bill or statement appears to said judge to be correct he shall endorse thereon his approval signed by him as such judge, and thereupon the same shall be paid in the like manner as the fees of jurors are or may be paid.

Open venire,  
for petit  
jurors.

SEC. 11. By stipulation or agreement between the parties to any action pending in such court, made in open court and entered upon the minutes of journal thereof, or made in writing and signed by such parties or by their attorneys of record and filed with the clerk of such court, and if such court shall consent to and approve of such agreement or stipulation, the court may at any time order an open venire or venires to be issued by the clerk of such court summoning persons to serve as petit jurors in said cause pending between said parties; or, upon such agreement or stipulation made as in this section provided, and approved by the court, the court may order the sheriff to summon from the bystanders a sufficient number of persons to fill up any petit jury then being selected in said cause between such parties; *Provided, however,* That persons

selected upon any such open venire, or in such manner summoned from the bystanders shall be subject to challenge in the same manner and for the same causes as persons otherwise selected for jurors and previous service on petit jury within the two years last preceding shall be a ground of such challenge.

SEC. 12. If at any of the times prescribed in this act, or fixed in any order of the court made pursuant to this act for the drawing from such box of the names of persons to serve as jurors, and jury commissioners shall be absent, the court shall immediately by order made and entered of record appoint some other person to serve as jury commissioner *pro tempore* in the place of such absent jury commissioner; and thereupon such jury commissioner *pro tempore* shall first take the oath and be sworn as in section 1 of this act provided, and shall then discharge the duties of the office during the absence of the jury commissioner; and such jury commissioner *pro tempore* shall be entitled to payment for his services at the same rate and in the same manner prescribed in this act for the payment of jury commissioners; and such absent jury commissioner shall not be entitled to payment for such time; and such court may at any time thereafter require, such absent jury commissioner to give an excuse for his absence upon the penalty of being removed from his office for failure to excuse his absence.

SEC. 13. The superior court appointing any jury commissioner may at any time for cause deemed by such court sufficient, remove any such jury commissioner from his office; but such court shall first by order require such jury commissioner to show cause why he should not be removed, and in such order set forth the alleged cause for which it is proposed to remove such jury commissioner, and shall first give such jury commissioner a hearing thereon in open court. If after such hearing the court shall think proper to remove such jury commissioner the court shall make and enter an order of record removing such commissioner, which order shall state the cause of such removal.

SEC. 14. When, pursuant to any statute of this State, there is elected but one judge of the superior court in and for two or more counties, the superior court of any such county may by an order made and entered of record direct that until such order be altered or revoked, the drawing from such box of the names of persons to serve as jurors in

that court shall take place in the court room in such county and not in open court and without the presence of the judge; and while such order remains in force the drawing shall be made accordingly; but the names of the persons drawn shall nevertheless be entered upon the journal of such court, together with the clerk's certificate prescribed in section 4 of this act, and the judge of the superior court for any such county may, while he is within or without such county, make in writing and sign the order prescribed in said section 4 for drawing persons to serve as jurors; but he shall then forward such order to the clerk of such court in time to reach such clerk on or before 10 o'clock A. M. of the last Saturday in the current month; and such drawing shall then take place at said hour on said Saturday. If at the time when the said judge would otherwise make said order, it appears to the judge of said court that no jury will be needed in the ensuing month, the judge may omit said order and no jury need be drawn for such ensuing month.

**Counties of  
15th class.**

SEC. 15. All juries in any of the superior courts in this State in counties of the first fifteen classes, whether grand or petit and whether in special proceedings or otherwise, shall be selected as in this act provided.

**Repeal.**

SEC. 16. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed the Senate February 28, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 147.

(S. B. No. 180)

## ESTABLISHING A LICENSE FOR HUNTERS.

AN ACT establishing hunters' licenses, providing for the disposition of moneys collected under the provisions thereof, creating a State fund and fixing penalties for its violation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. It shall be unlawful for any person to hunt for, pursue, catch or kill any of the game animals or birds protected by the laws of this State during the open season when it is lawful to kill the same, without such person have in his possession at the time of such taking, catching or killing a license therefor, duly issued to him by the auditor of one of the counties of this State or by the state auditor. The county auditor of each county in the State of Washington, upon the payment of one dollar by any resident of this State, five dollars by any non-resident of this State or fifty dollars by any non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington within the county where such license is issued, during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner; and the state auditor, upon the payment of five dollars by any resident of this State, ten dollars by any non-resident of this State, or fifty dollars by any non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington, within the State during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner. The county auditor shall pay to the county treasurer all such fees collected by him, to be placed in the game protection fund, to be used by the county commissioners for the propagation and protection of game in said county, and the state auditor shall pay to the state treasurer all such fees collected by him to be placed in the game

License fee.

Non-resident  
aliens.

Fines—dis-  
posal of.

protection and propagation fund. All fines collected under the provisions of this act shall be paid to the county treasurer of the county in which said fines are collected, and placed by him in the game protection fund.

State game  
fund.

SEC. 2. There is hereby created a State fund, which shall be used only for the protection and propagation of game animals, game birds and game fish in this State.

Penalty.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, for each and every offense shall be subject to a fine of not less than ten dollars nor more than one hundred dollars, together with the costs of prosecution, or imprisonment in the county jail where the offense is committed for not less than five days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court.

Passed the Senate February 28, 1905.

Passed the House March 7, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 148.

(S. B. No. 65)

### ESTABLISHING A STATE FISH HATCHERY ON THE TOUTLE RIVER.

AN ACT to establish a State fish hatchery on the Toutle river, or some of its tributaries, in Cowlitz County, in the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the state fish commissioner is hereby authorized and directed to prospect the Toutle river and its tributaries, in Cowlitz county, with a view of establishing and maintaining a State salmon hatchery thereon.

SEC. 2. That if after investigation the state fish commissioner finds the Toutle river, in Cowlitz county, or any of its tributaries, a suitable stream for the location of a



salmon hatchery he is hereby authorized and directed to establish and maintain a State salmon hatchery on said Toutle river, or its tributaries, in Cowlitz county.

Passed the Senate February 2, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 149.

(S. B. No. 248)

### ADDITIONAL APPROPRIATION FOR EXPENSE OF COMMISSIONERS OF LEWIS AND CLARK EXPOSITION.

**AN ACT** to provide for the payment of expenses incurred by the Commissioners of the Lewis and Clark Exposition appointed under the act entitled, "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, and making an appropriation therefor." Approved March 21, 1903, and making an additional appropriation to provide for the expense of the Lewis and Clark Commission of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

**SECTION 1.** That there is hereby appropriated out of any Appropriation moneys in the State treasury not otherwise appropriated, the sum of nine hundred and twenty-nine and 50-100 dollars for the payment of the necessary expenses incurred by said Lewis and Clark Exposition Commission, appointed under the act entitled: An act to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, and making an appropriation therefor. Approved March 21, 1903.

**SEC. 2.** That the state auditor is hereby authorized and directed to draw his warrant or warrants therefor upon proper vouchers from the said commission, approved under the act entitled, "An act to provide for the collection, exhibition and maintenance of the products of the State of Wash-

ington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, and making an appropriation therefor," approved March 21, 1903, said warrants to be payable to the persons designated in such vouchers and to be paid by the state treasurer as other warrants are paid.

**Appropriation.** SEC. 3. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of seven thousand three hundred and sixty-five and 11-100 dollars, as an appropriation to carry out the purposes and provisions of an act of the Legislature of the State of Washington, approved January 25th, 1905, entitled, "An act to provide for the collection, exhibition and maintenance of the products of the State of Washington, at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, making an appropriation therefor and repealing chapter one hundred and eighty-eight (188) of the Session Laws of 1903, and declaring an emergency," and the state treasurer is hereby authorized to pay said money to the executive commissioner provided for in said act from time to time upon the requisition of the said commission created by said act by its president and secretary approved by the State Auditor.

Passed the Senate March 8, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 150.

(S. B. No. 165)

## VALIDATING CERTAIN ASSESSMENTS BY CITIES.

AN ACT to validate assessments made, or which may be made, to pay for local improvements, by any incorporated city in this State, and to prohibit the setting of such assessments aside or declaring the same invalid upon any ground other than upon the ground of fraud.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That whenever the city council of any city within this State has made, or shall hereafter make any assessment against property within any local improvement district for the purpose of improving any street, avenue, lane, or alley, square or public place within said city by grading, curbing, parking, sidewalking, sewerage or the laying of a permanent pavement thereon, including foundation, curbing, guttering, drainage facilities and other necessary work incidental to such improvement, and has in making such assessment acted in good faith and without fraud or shall hereafter act in good faith and without fraud the said assessment shall be valid and enforceable as such and a lien upon the property upon which the same purports to be a lien; and it shall be no objection to the validity thereof that the contract for such improvement was not awarded in the manner or at the time required by law, nor, shall it be any objection to the validity of such assessment that the same was made by an unauthorized officer or person, if the same shall have been confirmed by the city authorities, of such city, nor, shall it be any objection to the legality of such assessment that the same is based upon a front foot basis, or upon a basis of benefits to the property within such district unless it shall be made to appear that the city authorities did not act in good faith and did not attempt to act fairly in regard thereto, nor unless it shall be made to appear that the city authorities acted fraudulently or oppressively in making such assessment, and all assessments heretofore or hereafter made which are made by the city authorities in good faith are hereby declared to be valid

When valid.

and in full force and effect, and to be collectible in the manner which is now or may hereafter be provided by law for the collection of assessments for local improvements for the purposes specified in this act.

Passed the Senate February 23, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 151.

(S. B. No. 163)

### RELATIVE TO EXPENSES INCURRED IN CONSTRUCTION OF DIKES AND DAMS.

AN ACT to provide for the payment of expenses incurred in compliance with an act entitled, "An act to provide for the construction and maintenance of dikes and dams in certain cases," approved February 2, 1888, or of any acts amendatory thereof.

*Be it enacted by the Legislature of the State of Washington:*

Construction  
and  
maintenance.

SECTION 1. That where any dike or any portion thereof, has been constructed and maintained in compliance with the provisions of an act of the Legislative Assembly of the Territory of Washington, entitled, "An act to provide for the construction and maintenance of dikes and dams in certain cases," approved February 2, 1888, or any acts amendatory thereof, and where any warrants or orders, issued in connection with the expense of the construction and maintenance thereof, remain outstanding and unpaid, it shall be the duty of the board of county commissioners of the county in which the same are located to assess the lands benefited thereby for the purpose of paying said outstanding warrants, or orders together with interest thereon from the date of their issuance until paid, at the rate of six per cent annum: *Provided*, That no such assessment shall be made, nor shall any proceeding under this act be had, unless such dike or system of dikes shall have been so constructed and maintained and be at the time of the initiation of such assessment proceeding in such a condition as to constitute an actual substantial

Assess the  
lands.

benefit to the land included within the limits of said diking district, by so protecting said lands from overflow as to render them suitable for cultivation.

SEC. 2. That the county auditor of any county in which such dike or dam is located upon the written request of any holder or owner of any such warrant or order, shall forthwith cause to be published in the newspaper doing the county printing, if any such there be, and if not, then in some newspaper of general circulation in the county, a notice directing any and all holders or owners of any such warrants or orders to present the same to him, at his office for registration within ninety days from the date of the first publication of such notice; and such notice shall be published once a week for six consecutive weeks. Upon the presentation to him of such warrants or orders, the county auditor shall register the same in a separate book to be kept for that purpose, showing the date of registration, the date of issuance, the name of the person by whom presented and the face value thereof; *Provided, however,* That warrants or orders on the several diking districts organized under said act or any act amendatory thereof, shall be registered separately. Any such warrant or order not presented within the time prescribed in such notice, shall not share in the benefits of this act, and no assessment or reassessment shall thereafter be made for the purpose of paying the same.

SEC. 3. That where the land included within the boundaries of any diking district established in accordance with the said act approved February 2, 1888, or of any acts amendatory thereof, are included within the boundaries of any diking district or districts organized in accordance with the provisions of an act of the Legislature of the State of Washington entitled, "An act to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, no condemnation proceedings for the purpose of acquiring title to the lands upon which such dikes or dams are located shall be necessary. But where the lands included within the boundaries of any diking district organized under said act approved February 2, 1888, or any acts amendatory thereof, are not included within the boundaries of any diking district or districts organized under said act approved March 20, 1895, it shall be the duty

County  
auditor  
to publish  
notice.

County  
auditor  
to register  
warrants.

County  
commissioners  
to acquire  
lands by  
condemnation.

of the board of county commissioners of any county in which said dike or dams are located to purchase the lands occupied by, or necessary to said dikes or dams, and of any spurs, offshoots or appurtenances thereto, or acquire the same by condemnation proceedings, whether title to such land has not already been acquired, and to that end are hereby authorized to institute and maintain, in the name of the county, the proceedings provided by Chapter V, Title XXXI of Volume II of Ballinger's Annotated Codes and Statutes of Washington.

Levy of  
assessment.

SEC. 4. That where the lands within the boundaries of any diking district or districts organized under said act approved March 20, 1895, the board of county commissioners at the end of ninety days after the date of the first publication of the notice provided for in section 2 of this act, shall forthwith proceed to levy an assessment against such lands for the purpose of paying such outstanding warrants or orders, with interest thereon as referred to in Section 1 of this act. And where such lands are not so included, the board of county commissioners shall forthwith proceed to acquire by purchase or condemnation proceedings the necessary lands as provided for in section 3 of this act. Said board of county commissioners shall establish a fund for each diking district organized under said act approved February 2, 1888, or acts amendatory thereof, to be called, "Old Diking Fund No. . . . ." (here insert No. of diking district established under said act approved February 2, 1888, or any acts amendatory thereof) and for the purpose of paying for the lands to be acquired as provided in section 3 of this act, shall borrow money wholly on the faith of and to be repaid wholly from the money in said fund by issuing bonds payable out of said fund in denominations of not to exceed twenty dollars each due on or before five years from date and drawing not to exceed six per cent interest per annum. Where any such dike or dam is uncompleted and the lands for the benefit of which the same was constructed, are not included within the boundaries of any diking district or districts organized under said act approved March 20, 1895, said board shall proceed to finish said dike or dam according to the survey and report of said improvement made in accordance with the provisions of said act of February 2, 1888, or of any act amendatory thereof, and to pay for the same by warrants duly

Complete  
unfinished  
work.

issued on said dike fund and the total cost of said improvement, including the expenses heretofore issued for the location of right-of-way and construction or maintenance of said dike or dam shall be paid as hereinafter provided.

SEC. 5. That for the purpose of paying outstanding warrants or orders together with interest thereon, issued in connection with the expense of constructing or maintaining any dike or dam of any diking district organized under said act approved February 2, 1888, or any acts amendatory thereof, and also for the purpose of paying for acquiring the title to lands as provided for in section 3 of this act, and for the completion of any dike or dam as provided for in section 4 of this act, where the acquiring of such title, or the completion of such dike or dam is required under the provisions of this act, the board of county commissioners shall determine the aggregate cost of such dikes or dams and shall apportion the same to each lot or tract of land, road or railroad, according to the benefit which has resulted, or will result to each from said improvement, not exceeding the amount of such benefits: *Provided*, That such new assessment shall be for an amount which shall not exceed the actual cost and value of the improvement, together with interest thereon as provided for in this act, and costs, and that such amount shall be equitably apportioned upon the property benefited thereby, according to the provisions of the laws in force at the time such re-assessment is made notwithstanding the proceedings of the county commissioners or of any of the officers of the county in which such improvement may be located may be found irregular or defected, whether jurisdictional or otherwise. When such re-assessment is completed all sums paid on the former attempted assessments shall be credited to the property on account of which the same was paid. The board of county commissioners shall cause the clerk of the board to make out a list of the lands benefited, giving a description of each tract or lot separately, and showing the sum apportioned to each of such tracts or lots, but said list need not contain the names of the owners of said tracts or lots. Said list shall be filed with the county auditor, and upon the filing thereof he shall forthwith cause to be published in the newspaper doing the county printing, if any such there be, and if not, then in such newspaper as he may select, a notice that said list is on file in his office

Payment of  
warrants.

Lands  
benefited.

and is open to inspection. Said notice shall give the number of the diking district organized under said act approved February 2, 1888, or any act amendatory thereof, state the total face value of warrants or orders registered in compliance with section 2 of this act, and contain a description by sections, townships and range, and by blocks where land has been platted, of the land claimed to be benefitted. Where an entire section or block is not benefitted a description of the part of such section or block claimed to be benefitted shall be given. Said notice shall direct any and all persons or corporations interested, who desire to do so, to file with the county auditor exceptions to the apportionment made to lands claimed to be benefitted, or to warrants or orders registered, the exceptions, if any, to the latter, to be on the ground that the same were not issued in connection with the expense of the construction or maintenance of dikes or dams, or were fraudulently issued, and all exceptions herein provided shall be filed within sixty days after the date of the first publication of said notice. Said notice shall also give the date on which the board of county commissioners will meet to hear and pass upon such exceptions, which shall be on the sixtieth day after the date of the first publication of said notice; said notice shall be published once a week for six consecutive weeks.

**File  
exceptions.**

**Board pass  
upon  
exceptions.**

SEC. 6. Upon the day stated in said notice the board of county commissioners shall meet at their regular place of meeting and proceed to hear and pass upon exceptions filed with the county auditor as provided in section 5 of this act. If they find that the apportionment is unfair and unjust, and ought not to be confirmed, they shall so order and amend it to make it fair and just in proportion to benefits, and if necessary, in their opinion, they may adjourn the further hearing not to exceed twenty days, to a day to be fixed by them, and go upon the premises and by actual view apportion the entire cost of location and construction or maintenance, or any part thereof, according to benefits as may seem just and proper, and on the day so fixed by them they shall again meet and determine the apportionment. The cost of the publication of the notice in this act provided for shall be considered as a part of the costs to be apportioned to said lands. The commissioners may hear testimony and examine all witnesses upon questions made by the exceptions, and for that purpose may compel the attendance of wit-



nesses, by subpoena, which the clerk of the superior court shall issue or demand, and their decision on the exceptions shall be entered on the journal, and if they sustain the exceptions the cost of the hearing thereof shall be paid out of the county treasury, and if they overrule the same such costs shall be taxed against the person or corporation filing the exceptions: *Provided, however,* That if exceptions to warrants or orders registered with the auditor are sustained the costs of the hearing thereof shall be taxed against the owner of such warrants or orders. Where costs are taxed against any person or corporation it shall be the duty of the prosecuting attorney, to institute action in the superior court for the recovery of the same. Costs.

SEC. 7. That where exceptions are filed to warrants or orders registered with the auditor of the board of county commissioners, on the day of their meeting provided for in section 6 of this act, shall set the same down for hearing at a day not later than thirty days thereafter and shall direct the auditor to notify the person or corporation who presented said warrants or orders to him for registration of such exceptions, and shall state the time when and place where such exception shall be heard; and said notice shall be deposited by the county auditor in the post office at the County seat at least twenty days before the day set for such hearing, postage prepaid, and addressed to such person or corporation at his last known address, or at its principal place of business. The affidavit of the auditor shall be proof of such service. Exceptions to warrants.

SEC. 8. That any person or corporation feeling aggrieved by the ruling of the board of county commissioners upon exceptions filed as hereinbefore provided for, may appeal to the superior court. Upon such appeal no bond shall be required and no stay shall be allowed. If the appeal be from the ruling of the board of county commissioners in relation to the apportionment of costs or assessments of benefits to land, such appeal shall bring before the superior court the justness of the amount of benefits in respect to the parties to the appeal. Such appeal shall be made by filing a written notice of appeal with the clerk of the board of county commissioners within ten days after such new assessment or re-assessment roll shall have been approved and confirmed by the board of county commissioners; and said notice shall describe the property and the objections of May appeal to superior court.

Preference  
over all  
civil cases.

such appellant to such assessment or re-assessment, and such appellant shall also file with the clerk of the superior court aforesaid within twenty days from the approval and confirmation of such roll by the board of county commissioners a copy of said notice, appeal, re-assessment roll and proceeding thereon, certified by the clerk of such board of county commissioners; and the case shall be docketed by the clerk of such court in the name of the person taking such appeal against said county as "an appeal from assessments." Said cause shall then be at issue, and shall have preference over all civil cases pending in said court, except proceedings under the acts relating to eminent domain by cities and towns, and actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes, except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify, or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the supreme court as in other cases. In case the assessment is confirmed, the fees of the clerk of the board of county commissioners for copies of the record shall be taxed against the appellant with other costs. If the appeal be from a ruling of the board of county commissioners in relation to exceptions filed to warrants or orders registered with the county auditor, such appeal shall be taken in the manner provided by law for appeals from the action of the board of county commissioners in other cases.

Apportion-  
ment of costs.

SEC. 9. That when the improvement protects or benefits the whole or any part of any public or corporate road or railroad there shall be apportioned to the county, if the road is a State, county or free turn pike road, or to the corporation if a corporate road or railroad, a share of the cost and expenses thereof proportionate to the benefits to said road or railroad. All lands of the State or any county school district or other municipal corporation shall be subject to the provisions of this act.

Time and  
manner of  
payments.

SEC. 10. That when said apportionment or assessment of benefits shall have been approved as hereinbefore provided, the commissioners shall determine at what time and in what number of assessments, not to exceed four, they will require the same to be paid, and order that the assessments, as made by them, be placed upon the tax roll accord-

ingly against the lots or lands assessed. When the commissioners make an assessment they shall cause an entry to be made directing the clerk of the board of county commissioners to make and furnish to the treasurer of the county a special tax roll with the assessment arranged thereon as required by their order, and the clerk of the board of county commissioners shall retain a copy thereof in his office, and all assessments shall be liens upon the property against which they are assessed, and shall be collected and accounted for by the treasurer as taxes: *Provided*, That the treasurer shall accept in payment of assessments the bonds issued under the provisions of section 4 of this act, and said treasurer shall place the assessment so collected in said dike fund. The list thus prepared must remain in the office of the treasurer for thirty days or longer if ordered by the board of county commissioners, and during the time it so remains any person may pay the amount of charges against any tract to the treasurer without costs, or if so ordered by the board of county commissioners said payments may be by installments, and if at the end of thirty days or the longer period fixed by said commissioners, any of the charges or any of the installments ordered by them already due have not been paid, the treasurer must transmit a list to the prosecuting attorney, who must at once proceed by civil action to collect such charges and foreclose the liens therefor, and such charges or liens shall draw interest at the same rate as the delinquent taxes for State and county purposes.

SEC. 11. That where exceptions to the apportionment or assessment are sustained by the county commissioners the costs of the hearing thereof shall be paid out of the county general fund, and where upon any appeal provided for in this act costs are taxed against the county, such costs shall be paid in the same manner, and the county shall be reimbursed therefor out of the first moneys paid into the said diking fund provided for in this act. If by reason of the payment of such costs, or the reduction or annulment of any assessment on appeal, the apportionment or assessment made by the board of county commissioners shall be found insufficient to make the payments required by this act, then said board shall increase such apportionment or assessment in the same proportion as such apportionment or assessment was made: *Provided, however*, That the

To pay costs  
of hearing.

total apportionment to and assessment against any tract or lot shall not exceed the benefits derived by the same.

Action  
brought in  
name of  
county.

SEC. 12. That all actions authorized by this act to be brought by the prosecuting attorney shall be brought in the name of the county.

Lists to be  
filed.

SEC. 13. That the county treasurer of any county in which any diking district or districts were organized under said act approved February 2, 1888, or any acts amendatory thereof, shall within ninety days after the date of the first publication of the notice provided for in section 2 of this act, make out and file with the board of county commissioners a list for each of such diking districts; said list to contain a description of each tract or lot of land against which assessments were made under said act approved February 2, 1888, or any acts amendatory thereof, and to show any and all assessments made against the same and what payments were made upon the same.

SEC. 14. That no costs shall be taxed for the work required to be done according to the provisions of this act by the county treasurer or the county auditor or the clerk of the board of county commissioners except as herein otherwise provided.

Outstanding  
warrants.

SEC. 15. That outstanding warrants or orders, together with interest thereon, issued in connection with the expenses of the construction or maintenance of dikes or dams constructed or maintained under the provisions of said act approved February 2, 1888, or of any acts amendatory thereof, shall be paid first and shall be paid in the order of their issuance; and thereafter indebtedness such as is authorized by this act, incurred by said board of county commissioners, shall be paid in the order of the issuance of the evidence of such indebtedness. Warrants issued by the said board shall draw interest at the rate of six per cent per annum.

Assessments  
not prevented.

SEC. 16. That the fact that a contract has been let, or such improvement shall have been made and completed in whole or in part shall not prevent such assessments being made; nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of law governing such county or county commissioners as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting the contract or section of work, or any other matter whatsoever connected with the im-

provement and the first assessment thereof, operate to invalidate or in any way to affect the making of the new assessment or reassessment as provided for herein, charging the property benefitted with the expense thereof: *Provided*, That such new assessment shall be for an amount which shall not exceed the actual cost and value of the improvement, together with the interest and costs as herein provided for, and that such amount be equitably apportioned upon the property benefitted thereby according to the provisions of the laws of this State relative to municipal corporations.

SEC. 17. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of the act.

Passed the Senate February 23, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 152.

(S. B. No. 80)

### AMENDING ACT RELATIVE TO ADMISSIONS TO STATE SOLDIERS' HOME.

AN ACT to amend Section 2 of an act approved March 18, 1901 (Laws of 1901, p. 344), amending Sections 2632 of Ballinger's Annotated Codes and Statutes of Washington (Laws of 1890, p. 269, Sec. 2), relating to the State Soldiers' Home.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 2 of an act entitled, "An act to amend sections 2631 and 2632 Ballinger's Annotated Codes and Statutes of Washington relating to the State Soldiers' Home, approved March 18, 1901," be amended to read as follows:

#### REGULATIONS.

Section 2. All honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the State militia disabled while in the line

of duty, may be admitted to the home provided for in the last preceding section of this chapter, under such rules and regulations as may be adopted by the state board of control: *Provided*, Such applicants are *bona fide* citizens of this State, and honorably discharged soldiers, sailors, marines, soldiers of the Spanish-American war, who are married and living with their wives at the date of the passage of this act; and who have been actual *bona fide* residents of this State for a period of two years at the time of their application and who are indigent and unable to earn a support for themselves and their families, who reside within the corporate limits of the town of Orting adjoining said home may be admitted to said home and be members of said home to all intents and purposes, and subject to all rules and regulations of said home, except the requirements of fatigue duty, and said married members aforesaid shall, through rules and regulations adopted by the state board of control, be supplied with medical attendance from the home dispensary, and rations from the home supplies not to exceed seven (\$7.00) dollars per month, and clothing not to exceed sixteen (\$16.00) dollars per annum.

Passed the Senate March 1, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

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## CHAPTER 153.

(S. B. No. 209)

### APPROPRIATION COVERING COSTS OF SUIT AGAINST STATE OF OREGON TO DETERMINE BOUNDARY LINE.

AN ACT appropriating the sum of five thousand dollars (\$5,000) for the expenses in connection with the suit about to be instituted by the State of Washington against the State of Oregon to determine the boundary line between such States.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the sum of five thousand dollars (\$5000) or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for

the purpose of defraying the court costs, witness fees, engineer's services, traveling and other expenses in connection with the suit about to be instituted in the Supreme Court of the United States by the State of Washington against the State of Oregon to determine the boundary line between such States, which sum shall be expended upon vouchers approved by the Attorney General, and the State Auditor is hereby authorized to audit said sums, and if found correct, to issue warrants upon the State Treasurer in payment of said sums, and the State Treasurer is authorized to pay said warrants.

Passed the Senate March 8, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 9, 1905.

## CHAPTER 154.

(H. B. No. 152)

### REGULATING USE OF AUTOMOBILES, MOTOR CYCLES, ETC.

AN ACT regulating automobiles or motor vehicles on public roads, highways, park or parkways, streets or avenues, within the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. No automobile or motor vehicle shall be used or operated on any public highroad, highway, park or parkway, street or avenue within this State until the owners shall have complied with sections two, four and five of this act. Must comply with act.

SEC. 2. The owner of every automobile or motor vehicle shall file in the office of the Secretary of State annually before June first a statement of his name and address, together with a brief description of every such vehicle owned by him and shall obtain from said Secretary a numbered certificate for each of said vehicles, which certificate shall state the name of the owner of such vehicle and that he has registered in accordance with the provisions of this act. These certificates shall be numbered consecutively, beginning with one. File description.

SEC. 3. The Secretary of State shall keep a record of all such statements and of all certificates issued by him with their numbers.

**Fee.** SEC. 4. The fee for issuing said certificate shall be two dollars and the fee for each renewal thereof shall be two dollars.

**Display certificate.** SEC. 5. The number of each certificate, preceded by the letters "Wn." shall be displayed upon the back of such automobile or motor vehicle in light colored arabic numerals at least four inches high on a dark background.

**Exemptions.** SEC. 6. The provisions of the previous sections shall not apply to automobiles, motor vehicles or motor cycles owned and operated by non-residents of this State, provided the owners thereof have complied with any law requiring the registration of owners of automobiles, motor vehicles or motor cycles in force in the State, Territory or Federal district of their residence, and the registration number showing the initial of such State, Territory or Federal district shall be displayed on such vehicle substantially as provided by section five of this act.

**Lamp required.** SEC. 7. Every automobile or motor vehicle when driven on any public road, highway, park or parkway, street or avenue within this State shall, during the hours of darkness, have fixed upon some conspicuous part thereof, at least one lighted lamp, showing white to the front and red to the rear, and shall have the license or certificate number of said vehicle painted in dark Arabic numerals across the white glass in said lamp.

**Use muffler.** SEC. 8. Every automobile or motor vehicle using gasoline as motive power shall use the "muffler," so called, and the same shall not be cut out or disconnected within the limits of any city or village within this State. Every automobile or motor vehicle shall be provided with good and efficient brakes and with a bell or horn, which shall be rung or blown whenever there is danger of collision or accident. The driver or operator of every automobile or motor vehicle shall turn to the right in meeting vehicles, teams and persons moving or headed in an opposite direction, and turn to the right in passing vehicles, teams and persons moving or headed in the same direction.

SEC. 9. Every person having control or charge of any automobile or motor vehicle, whenever upon any public street



or way, and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, shall operate, manage and control such automobile or motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened, the person in control of such motor vehicle shall reduce its speed, and, if requested by signal or otherwise by the driver of such horse or horses, shall not proceed further towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

SEC. 10. No person, driver or operator in charge of any automobile or motor vehicle on any public road, highway, park or parkway, street or avenue within the State shall drive, operate, move, or permit the same to be driven, operated or moved at a rate of speed faster than one (1) Speed limited. mile in five (5) minutes within [within] the thickly settled or business portion of any city or village within this State, nor outside of such thickly settled or business portion of any city or village on any public road, highway, park or parkway, street or avenue, at a rate of speed faster than one (1) mile in two and one-half (2½) minutes; nor over any crossing or crosswalk within the limits of any city or village, at a rate faster than one mile in fifteen (15) minutes when any person is upon the same.

SEC. 11. No person driving or in charge of any automobile, or motor vehicle on any highway, townway, public street, avenue, driveway, park or parkway, shall drive the same at any speed greater than is reasonable and proper, having regard to the traffic and use of the way by others, or so as to endanger the life or limb of any person; and racing any such vehicle on any such way or parks is hereby forbidden.

SEC. 12. Cities, towns and counties shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of any automobile or motor vehicle, any license or permit to use the public roads, highways, park or parkways, streets or avenues, or excluding or prohibiting any automobile or motor vehicle whose owner has complied with Sections 2, 4 and 5 of this act from the free use of such public road, highway, park or Powers of cities, etc., defined.

parkway, street or avenue, and all such ordinances, rules and regulations now in force are hereby declared to be of no validity or effect: *Provided*, That nothing in this act shall be construed as limiting the power of local authorities to make, enforce and maintain ordinances, rules or regulations, in addition to the provisions of this act, effecting [affecting] automobiles or motor vehicles which are offered to the public for hire.

SEC. 13. The violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars.

Passed the House February 15, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 155.

(H. B. No. 312)

### AMENDING BALLINGER'S AND PIERCE'S CODES RELATIVE TO ADOPTION OF LEGAL HEIRS.

AN ACT to amend Section 6480 of Ballinger's Annotated Codes and Statutes of Washington (being Section 2801 of Pierce's Washington Code), relating to the adoption of legal heirs.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 6480 of Ballinger's Annotated Codes and Statutes of Washington (being Section 2801 of Pierce's Washington Code) be amended to read as follows: Section 6480. Any inhabitant of this State, not married, or any husband and wife jointly, may petition the superior court of their proper county for leave to adopt and change the name if desired, of any child under the age of twenty-one years, but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane or a confirmed drunkard. If there be no such parents, or if the parents be unknown, or shall have abandoned such child, or if such parents, or either of them, are hopelessly insane,

or a confirmed drunkard, then by the legal guardian; if there be no such guardian, then by a discreet and suitable person appointed by said court to act in the proceedings as the next friend of such child: *Provided, however,* That if the parents are living separate and apart, the consent of both is not required, but such consent may be given by the parent having the care, custody and control of such child: *And provided further,* That either spouse may adopt a child of the other.

Passed the House March 3, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 156.

(H. B. No. 327)

### AMENDING ACT OF 1903 RELATIVE TO THE LEVY AND COLLECTION OF ROAD, BRIDGE, POLL AND PROPERTY TAXES.

AN ACT to amend Section one of an act entitled, "An act providing for the levy, collection and manner of payment of road, bridge, poll and property taxes, and the manner of the expenditure thereof, and providing for the division of counties into road districts, and the appointment of supervisors thereof, and repealing all acts and parts of acts in conflict herewith," approved March 16, 1903, being Chapter 119 of the Session Laws of 1903.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section one (1) of said act be amended to read as follows: Section 1. Every male inhabitant of this State between the ages of twenty-one and fifty years, outside the limits of an incorporated city or town, shall annually pay a road poll tax of two dollars, which shall be due and payable in money without exemption whatsoever on the first day of March in each year. All poll taxes shall be paid into the district road and bridge fund of the district in which the same shall be collected.

Passed the House March 3, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 157.

(H. B. No. 146)

**AMENDING ACT OF 1893 RELATIVE TO ASSESSMENT AND  
COLLECTION OF TAXES.**

**AN ACT** entitled an act to amend Section 5 of "an act to amend Sections 4, 5, 9 and 10 of an act entitled, 'An act providing for the assessment and collection of taxes of cities of the first class and specifying the duties of certain county officers in regard thereto and declaring an emergency,' approved March 9, 1893," approved March 21, 1895.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 5 of "An act to amend Sections 4, 5, 9 and 10 of an act entitled, 'An act providing for the assessment and collection of taxes in cities of the first class and specifying the duties of certain county officers in regard thereto and declaring an emergency,' approved March 9, 1893," approved March 21, 1895, be and the same is hereby amended to read as follows:

Section 5. All such city taxes collected shall belong to such city and the County Treasurer shall, on or before the 10th day of each month, turn over all such taxes so collected for the previous month to the City Treasurer, and take a receipt therefor in duplicate, and at the same time he shall certify to the city comptroller the amounts of taxes so collected and turn over and deliver with such certificate one copy of the receipt of the City Treasurer therefor. The County Treasurer shall also render to the city Comptroller, on or before the 10th day of each month, between the first day of January and the first day of May a statement of all taxes collected for such city during the preceding month.

Passed the House February 15, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

CHAPTER 158.

(H. B. No. 877)

**PREVENTING THE ACCEPTANCE OF GIFTS OR COMMISSIONS BY AGENTS, EMPLOYEES OR OFFICERS.**

**AN ACT to prevent the acceptance of gifts, bonuses or commissions by agents, employees and officers.**

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That any agent, employe or factor of any firm, person, association or corporation, or any agent employe or officer of any corporation or municipality, who shall receive or accept any gift, bonus, gratuity, commission or thing of value from any person, firm, association or corporation with whom he shall contract for, or from whom he shall purchase any chattels, goods, wares, merchandise or material for his principal, employer, corporation or municipality, shall be deemed guilty of a misdemeanor.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 159.

(H. B. No. 276)

AMENDING LAW AUTHORIZING CITIES AND TOWNS TO  
OPERATE SYSTEMS OF SEWERAGE, ETC.

AN ACT to amend section one of an act entitled, "An act amending section one of an act entitled, 'An act authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterways, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other railways, with all land and property required therefor, providing for payment therefor, repealing an act entitled, 'An act relating to and authorizing cities and towns to purchase, construct and maintain water-works, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefor and declaring an emergency,' approved February 10, 1893, and declaring an emergency, approved March 17, 1897, being section one of Chapter 112 of the Session Laws of the State of Washington for 1897," approved March 14, 1899, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section one of an act entitled, "An act authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterways, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other railways, with all land and property required therefor, providing for payment therefor, repealing an act entitled, 'An act relating to and authorizing cities and towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants and issue bonds to pay therefor and declaring an emergency,' approved February 10, 1893, and declaring an emergency, approved March 17, 1897, being section one, Chapter 112 of the Session Laws of the State of Washington for 1897," be and the same is hereby amended to read as follows: Section 1. That any incorporated city or town within the State be and is hereby authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate water works within or without its limits for the purpose of furnishing such city or town and inhabitants thereof and any other persons with

Section 1.

an ample supply of water for all uses and purposes, public and private, including water power or other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; and to construct and maintain systems of sewerage, with full jurisdiction and authority to manage, regulate and control the same, within and without the limits of the corporation; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof and any other persons with gas, electricity, and other means, power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof; and to authorize the construction of such plant or plants by others for the same purposes, and purchase such power from others, when delivered within such city, for its own use and for the purpose of selling to its inhabitants and other persons doing business within such city, and to regulate and control the use and price of electrical power so supplied, and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate cable, electric or other railways within the corporate limits of said city or town for the transportation of freight and passengers with full authority to regulate and control the use and operation thereof; and to fix, alter, regulate and control the fares and rates to be charged thereon; and for the purposes aforesaid it shall be lawful for any city or town in this State to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water course, percolating or subterranean water or any underflowing water within the State, and by means of aqueducts or pipe line conduct the same to said city or town, and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water course in this State for the purpose of storing and retaining water therein up to and above high water mark and for all the purposes of erecting such aqueducts, pipe lines, dams, or water works, or other necessary structures in storing and retaining water as above provided, or for any of the purposes provided for by this act such city or town shall have the right to occupy and use the beds and shores up to high water mark of any such water course or lakes and to acquire

Power to regulate.

Power to  
condemn.

the right by purchase or by condemnation or purchase or otherwise to any water, water rights, easements or privileges named in this act, or necessary for any said purposes: *Provided*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation or other public uses of such lake and water course: *Provided*, That should private property be necessary for any such purposes, or for storing water above high water mark, such city or town may condemn and purchase or purchase and acquire such private property.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 160.

(H. Sub. B. No. 397)

### GENERAL APPROPRIATION FOR STATE INSTITUTIONS, SCHOOLS AND STATE OFFICES FOR FISCAL TERM END- ING MARCH 31, 1907.

AN ACT making appropriations for the maintenance of and sundry expenses at the various State institutions, schools and state offices, and for the sundry civil expenses of the State government for the fiscal term beginning April 1, 1905, and ending March 31, 1907.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the several funds of the State treasury hereinafter named, in payment of the salaries of certain officers and employes of the State, and for the maintenance and construction of buildings at, and other expenses for the various State institutions and officers hereinbelow designated and mentioned and for other and divers purposes herein-



after expressed for the fiscal term beginning April 1, 1905, and ending March 31, 1907, and as hereinafter or otherwise particularly specified:

## FROM THE GENERAL FUND.

## FOR THE GOVERNOR'S OFFICE.

Salary of Governor, at \$4,000 per year.....	\$ 8,000.00
Salary of Governor's Private Secretary, at \$2,000 per year .....	4,000.00
Salary of Stenographer, at \$1,200 per year....	2,400.00
Postage, traveling expenses and incidentals....	2,500.00
Extradition expenses .....	4,000.00
Examination into alleged infractions of the law .....	1,000.00
Rewards authorized by the Governor .....	3,000.00
Survey of public lands reserved on application by the Governor .....	5,000.00
<b>Total .....</b>	<b>\$ 29,900.00</b>

## FOR LIEUTENANT GOVERNOR'S OFFICE.

Salary of Lieutenant Governor for two years.....	\$ 2,000.00
FOR ATTORNEY GENERAL'S OFFICE.	
Salary of Attorney General, at \$2,000 per year.\$	4,000.00
Salary of Assistant Attorney General, at \$1,800 per year .....	3,600.00
Salary of Assistant Attorney General, at \$1,800 per year .....	3,600.00
Salary of Clerk and Stenographer .....	1,800.00
Stationery, postage, telephone and incidentals, etc. ....	1,000.00
Attorney General's assistants in land office, tax commission and railway commission .....	3,600.00
Traveling expenses in county, state and United States supreme courts .....	3,500.00
Court expenses, witness fees, etc., in general cases, and traveling expenses in connection with escheat estates, etc. ....	3,000.00
Deficiencies for year ending March 31, 1905 ...	150.00
<b>Total .....</b>	<b>\$ 24,250.00</b>

## FOR SECRETARY OF STATE'S OFFICE.

Salary of Secretary of State, at \$2,500 per year	\$5,000.00
Salary of Assistant Secretary of State, at \$1,800 per year .....	3,600.00
Salary of Auditor and Cashier, at \$1,800 per year	3,600.00
Salary of two Recording Clerks, at \$900 per year each .....	3,600.00
Salary of Stenographer, at \$720 per year .....	1,440.00
Postage and incidentals .....	2,000.00
Salary of Deputy Insurance Commissioner, at \$1,800 per year .....	3,600.00
Salary of Clerk in Insurance Department, at \$900 per year .....	1,800.00
Traveling, postage and incidentals in connection with Insurance Department .....	1,000.00

Salary of Deputy Commissioner of Statistics, Agriculture and Immigration .....	1,000.00
Postage, incidentals and traveling expenses....	1,200.00
Salary of one Recording Clerk, at \$1,000 per year .....	2,000.00
<b>Total .....</b>	<b>\$ 29,840.00</b>

## FOR STATE TREASURER'S OFFICE.

Salary of State Treasurer, at \$2,000 per year..\$	4,000.00
Salary of Deputy State Treasurer, at \$1,800 per year .....	3,600.00
Salary of Warrant Clerk and Stenographer, at \$720 per year .....	1,440.00
Postage, telegraphing, incidentals, traveling expenses, etc. ....	250.00
Expenses in collecting delinquent liquor licenses. ....	3,000.00
<b>Total .....</b>	<b>\$ 12,290.00</b>

## FOR STATE AUDITOR'S OFFICE.

Salary of Auditor, at \$2,000 per year .....	\$ 4,000.00
Salary of Deputy, at \$1,800 per year .....	3,600.00
Salary of Bookkeeper, at \$1,600 per year .....	3,200.00
Salary of Warrant Clerk and Stenographer, at \$720 per year .....	1,440.00
Postage, expressage, telegraphing, extra clerk hire, incidentals, etc. ....	2,000.00
Traveling expenses .....	250.00
<b>Total .....</b>	<b>\$ 14,490.00</b>

## FOR OFFICE OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary of Superintendent, at \$2,500 per year ..\$	5,000.00
Salary of Deputy, at \$1,800 per year .....	3,600.00
Salary of Second Deputy, at \$1,200 per year...	2,400.00
For clerk hire and incidentals .....	2,800.00
For payment for examining teachers' manuscripts .....	3,000.00
Traveling expenses of Superintendent and Deputies .....	1,500.00
Postage, expressage, telegraphing, telephoning, etc. ....	1,000.00
Expenses State Board of Education for two years .....	1,250.00
<b>Total .....</b>	<b>\$ 20,550.00</b>

## FOR LAND COMMISSIONER'S OFFICE.

Salary of Commissioner of Public Lands, at \$2,000 per year .....	\$ 4,000.00
Salary of Assistant and Chief Clerk, at \$1,800 per year .....	3,600.00
Salary of Auditor and Cashier, at \$1,800 per year .....	3,600.00
Salary of Bookkeeper, at \$1,400 per year .....	2,800.00
Salary of Stenographer and Clerk, at \$1,000 per year .....	2,000.00
Salary of the Chief Clerk of the Board of State Land Commissioners, at \$1,200 per year ....	2,400.00

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Salary of State Engineer, at \$1,800 per year..	3,600.00
Salary of Draughtsman in Engineer's office, at \$1,200 per year.....	2,400.00
Salary of three General Clerks, at \$1,000 per year each .....	6,000.00
Salaries and expenses of agents selecting lands and United States Land Office fees.....	8,000.00
Expenses of appraisement, sale and lease of State lands .....	20,000.00
Expense of advertising sale and lease of State lands .....	5,500.00
Expense of defending State's title to State, school, granted and selected lands before the courts, United States land offices and the Secretary of the Interior, and prosecuting trespass on State lands (not including attorney's fees) .....	3,000.00
Postage, incidentals and traveling expenses of Commissioner of Public Lands .....	4,000.00
Expense of protecting State's timber land against fire .....	2,500.00
Office furniture and supplies .....	500.00
<b>Total .....</b>	<b>\$ 73,900.00</b>

## FOR STATE GRAIN INSPECTOR'S OFFICE.

Salary of State Grain Inspector, at \$1,800 per year .....	\$ 3,600.00
Salary of Chief Inspector's Clerk, at \$1,000 per year .....	2,000.00
<b>Total .....</b>	<b>\$ 5,600.00</b>

## FOR STATE LABOR COMMISSIONER'S OFFICE.

Salary of Labor Commissioner, at \$1,800 per year \$	3,600.00
Clerk hire, incidentals and traveling expenses..	2,000.00
<b>Total .....</b>	<b>\$ 5,600.00</b>

## FOR STATE COAL MINE INSPECTOR'S OFFICE.

Salary of Inspector, at \$1,500 per year .....	\$ 3,000.00
Traveling expenses and incidentals .....	1,250.00
<b>Total .....</b>	<b>\$ 4,250.00</b>

## FOR STATE FAIR AT YAKIMA.

Maintenance, at \$7,500 per year .....	\$ 15,000.00
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## FOR STATE BOARD OF HEALTH.

Maintenance of State Board, at \$1,500 per year.\$	3,000.00
Salary of Secretary, at \$1,000 per year .....	2,000.00
<b>Total .....</b>	<b>\$ 5,000.00</b>

## SESSION LAWS, 1905.

## FOR STATE LIBRARIAN'S OFFICE.

Salary of Librarian, at \$1,500 per year .....	\$ 3,000.00
For incidental expenses, exchange and distribution of State documents .....	3,000.00
Comparing and binding executive documents...	500.00
Purchase of supreme court reports .....	1,000.00
Total .....	\$ 7,500.00

## FOR STATE DAIRY AND FOOD COMMISSIONER'S OFFICE.

Salary of Commissioner, at \$1,800 per year ...	\$ 3,600.00
Salary of Deputies and expenses .....	2,500.00
Total .....	\$ 6,100.00

## FOR STATE VETERINARIAN.

For traveling expense of State Veterinarian and salaries and expenses of Assistants, and incidentals .....	\$ 7,500.00
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## STATE BOARD OF EQUALIZATION.

Expenses of Board .....	\$ 400.00
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## FOR THE SUPREME COURT.

Salaries of Judges .....	\$ 56,000.00
Salary of Clerk, at \$2,000 per year .....	4,000.00
Salary of Reporter, at \$2,000 per year .....	4,000.00
Proof Reader for reporter, clerk hire and inci- dentals .....	4,000.00
For Board of Examiners for examining applicants for admission to practice law .....	614.80
Contingent expenses and incidentals .....	10,000.00
Total .....	\$ 78,614.80

## FOR SUPERIOR COURTS.

Salaries of Superior Judges .....	\$ 84,000.00
Traveling expenses of Superior Judges whose jurisdiction contains more than one county..	3,000.00
Salaries of Judges pro tem. ....	1,000.00
Total .....	\$ 88,000.00

## FOR PUBLISHING WASHINGTON STATE REPORTS .....\$ 9,750.00

## FOR COST BILLS, DESK SUPPLIES, ETC.

Cost bills on conviction of felones .....	\$ 37,500.00
Transportation of convicts to penitentiary....	25,000.00
Transportation of the insane to hospitals.....	20,000.00
Transportation of incorrigibles .....	4,000.00
Indexing House journals .....	300.00
Indexing Senate journals .....	250.00
Indexing session laws .....	200.00
For maintenance Capitol building and grounds..	16,000.00
Installing and maintaining of electric clocks in House and Senate chambers and State offices	360.00
Total .....	\$103,610.00

SUNDRY NEEDS.

Painting roof of Capitol building .....	\$ 700.00
Transformer for use of lighting plant in case of accident in Capitol building .....	500.00
Interest on Capitol fund warrants .....	41,560.00
<b>Total .....</b>	<b>\$ 42,760.00</b>

FOR STATE FISH COMMISSIONER'S OFFICE.

Salary of Commissioner, at \$2,000 per year ....	\$ 4,000.00
Traveling expenses of Commissioner, at \$1,000 per year .....	2,000.00
Salary of three Deputies, at \$1,200 per year each .....	7,200.00
Traveling expenses of Deputies .....	3,800.00
Stenographer and Bookkeeper, at \$1,000 per year .....	2,000.00
Office rent of Commissioner .....	1,800.00
Incidental expenses .....	1,000.00
<b>Total .....</b>	<b>\$ 21,800.00</b>

FOR HORTICULTURAL COMMISSIONER'S OFFICE.

Salary of Commissioner, at \$2,000 per year ....	\$ 4,000.00
Incidental expenses .....	2,000.00
Clerk hire, at \$700 per year .....	1,400.00
<b>Total .....</b>	<b>\$ 7,400.00</b>

For expenses incurred by the Board of Irrigation Commission [ers] .....	\$ 1,080.00
Error appropriation in Lieutenant Governor's of- fice .....	14.21
For payment of interest to November 1, 1906, on money borrowed from the permanent school fund .....	127,085.18
For the Capitol [Capital] National Bank for mon- ey advanced for labor, expended in preparing the Legislative building .....	236.60

FOR BOARD OF TAX COMMISSIONERS.

Salary of Commissioners for two years .....	\$ 18,000.00
Salary of Secretary, at \$1,200 per year .....	2,400.00
Salary of two clerks, at \$75 per month .....	3,600.00
Traveling and incidental expenses of the Board .....	8,000.00
<b>Total .....</b>	<b>\$ 27,000.00</b>

For clerical and expert assistance in the Gover- nor's office, account printing .....	\$ 1,200.00
For printing for State offices and institutions, including the printing ordered by the present Legislature, and to cover the work done by the State offices and institutions be- tween March 31, 1905, and April 1, 1907 .....	\$ 60,000.00

FROM THE MILITARY FUND.

FOR ADJUTANT GENERAL'S OFFICE.

Salary of Adjutant General, at \$2,000 per year..	\$ 4,000.00
Salary of Chief Clerk, at \$1,000 per year .....	2,000.00
Salary of Armorer, at \$900 per year .....	1,800.00

Maintenance, all expenses except salaries Adjutant and assistants .....	68,200.00
Reappropriation of unexpended balance of appropriation made under an act relating to the construction of armories in certain cities and making an appropriation therein, approved by the Governor March 16, 1903:	
For Seattle Armory .....	28,550.00
For Tacoma Armory .....	20,000.00
For Spokane Armory .....	20,000.00
Total .....	\$144,550.00

## FROM GRAIN INSPECTION FUND.

Postage, expenses and incidentals connected with the office of State Grain Inspector .....	\$ 30,000.00
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## FROM THE HARBOR AREA FUND.

## FOR LAND COMMISSIONER'S OFFICE.

For completion of survey of oyster lands, advertising harbor areas and traveling expenses of Commissioner and Board .....	\$ 3,000.00
Establishing harbor lines and survey of tide lands at Everett, Port Orchard, Bremerton, and completion of survey at Aberdeen, including appraisalment and traveling expenses .....	4,000.00
Completion of survey and platting shore lands of Lake Washington, Union, Chelan and other shore lands, including appraisalment and traveling expenses .....	6,000.00
Total .....	\$ 13,000.00

## FROM SPECIAL LIBRARY FUND.

Purchase of law and reference books for State library .....	\$ 9,000.00
Cataloguing .....	1,000.00
For the procuring and care of historical articles and for traveling and for public library work .....	4,000.00
Salary of Assistant and Law Librarian, at \$1,500 per year .....	3,000.00
Salary of Second Assistant Librarian, at \$1,000 per year .....	2,000.00
Total .....	\$ 19,000.00

## FROM FISH HATCHERY FUND.

## FOR FISH COMMISSIONER'S OFFICE.

For maintenance and construction of fish hatcheries .....	\$ 66,500.00
For Engineer's salary for Puget Sound launch, at \$900 per year .....	1,800.00
Fuel and other expenses for launch .....	2,000.00
Operating expenses of Columbia river launch...	3,000.00
Total .....	\$ 73,300.00

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## FROM THE OYSTER FUND.

For the survey of oyster lands .....	\$ 4,000.00
Miscellaneous .....	3,000.00
Total .....	\$ 7,000.00

## FROM THE FACTORY INSPECTION FUND.

For Factory Inspector, Deputies, traveling expenses and incidentals in connection with his office .....	\$ 20,000.00
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## FOR THE SUNDRY EXPENSES OF THE STATE EDUCATIONAL INSTITUTIONS.

### FROM THE GENERAL FUND.

#### FOR THE STATE UNIVERSITY.

For maintenance .....	\$273,490.00
For Engineer's regulation .....	10,000.00
Improvement of grounds .....	6,000.00
Library books and equipment .....	4,000.00
Museum .....	1,600.00
Repairs .....	1,100.00
Railroad spur to power house .....	2,500.00
Total .....	\$298,690.00

#### FOR STATE AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

For maintenance .....	\$150,000.00
For buildings .....	5,000.00
For purchasing tools and machinery for mechanical building .....	5,000.00
Total .....	\$160,000.00

#### FROM THE AGRICULTURAL COLLEGE FUND.

For the Agricultural College and School of Science, for maintenance .....	\$ 5,000.00
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### FROM THE GENERAL FUND.

#### FOR THE STATE NORMAL SCHOOL AT CHENEY.

For maintenance and salaries for two years....	\$ 63,000.00
For repairs and improvements .....	2,000.00
Total .....	\$ 65,000.00

#### FOR THE STATE NORMAL SCHOOL AT ELLENSBURG.

Salaries and maintenance for two years .....	\$ 48,000.00
Library and laboratory equipment and support..	2,000.00
For Repairs .....	3,500.00
For extending and improving grounds .....	1,000.00
For equipping dormitory .....	500.00
Total .....	\$ 55,000.00

## FOR THE STATE NORMAL SCHOOL AT BELLINGHAM.

For maintenance .....	\$ 70,000.00
For general science, supplies and equipment ....	2,500.00
For repairs and improvements .....	5,000.00
For museum .....	500.00
For campus .....	2,000.00
Total .....	\$ 80,000.00

For the payment of the salaries of the Judges of the Superior Court appointed since January 1, 1905, up to March 31, 1905 .....\$ 600.00

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 161.

(H. B. No. 21)

## CREATING THE OFFICE OF STATE OIL INSPECTOR.

AN ACT creating the office of State Oil Inspector, providing for his compensation, and providing for the inspection of petroleum and its products, used for illuminating purposes, and providing a penalty for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

Appointment  
by Governor.

SECTION 1. The Governor shall appoint, by and with the consent of the Senate, a suitable person, resident of this State, who is not interested in manufacturing, dealing in or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be four years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector, or his deputies hereinafter provided, to examine and test the quality of all such oils offered for sale for consumption within this State by any manufacturer, vendor or dealer, and if, upon such testing or examination the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz: "Approved," with the date, over his official signature, upon the package, barrel or cask containing the same. Should oil so tested

Duties of  
inspector and  
deputies.



or examined be contained in tank cars, it shall be the duty of the inspector, or one of his deputies, upon finding the oil so contained to meet the requirements hereinafter specified, to furnish the owner of such oil with a certificate, either written or printed, or partly written and partly printed, and signed by the inspector or one of his deputies, who shall inspect such oils, which certificate shall state the number and letters or other marks of designation, of the tank car inspected, the number of gallons of oil contained in it, the date of inspection, the name of the owner, the city or town in which such tank was inspected, the temperature at which the oil took fire and burned, and that such oil is "approved." Upon each barrel or cask drawn from such tank car, and offered for sale, the same brand or device shall be affixed as is required for oil inspected in barrels or casks, and to more effectually carry out the provisions of this act it shall be lawful for the state inspector or his deputies, to enter into or upon the premises of any manufacturer, vendor or dealer of said oils, and if they shall find or discover any kerosene oil, or any other product of petroleum intended for sale for consumption within this State for illuminating purposes, that has not been inspected and branded according to the provisions of this act, they shall proceed to inspect and brand the same. And it shall be lawful for any manufacturer, vendor or dealer to sell the oil so tested and approved as an illuminator; but if the oil or other product of petroleum so tested shall not meet said requirements, he shall mark in plain letters on said package, barrel or cask, over his official signature, the words: "Rejected for illuminating purposes," and any oil contained in tank cars which shall fail to meet said requirements, shall be rejected by the inspector or his deputy, and a written notice, stating number and letters, or other marks of designation, of the tank car so rejected, date and place of inspection, and that the oil has been "rejected for illuminating purposes," which notice, signed by the inspector or deputy, shall be placed in the hands of the owner of such oil, and it shall be unlawful for the owner thereof to sell such oil or other product of petroleum for illuminating purposes, and if any person shall sell or offer for sale such rejected oil or other product of petroleum for such purpose for consumption within this State, he shall be deemed guilty of a misdemeanor and upon conviction

Brands on barrels and casks.

Rejection of oil.

Fraudulent sales—penalty therefor.

thereof, shall be subject to a fine not exceeding three hundred dollars, or by imprisonment in the county jail not more than one year, or both such fine and imprisonment in the discretion of the court: *Provided*, That whenever complaint is made to the inspector in regard to the illuminating qualities of illuminating oil so inspected, it shall be the duty of the inspector of oils to secure a sample of such oils complained of which shall be turned over to the chemist of State University, who shall thoroughly analyze and test said oils with reference to its illuminating qualities. If after analyzing and testing oils, the chemist of State University, shall decide although the oil be of the required test it is yet of inferior illuminating quality, then the inspector upon receipt of the chemist's report shall brand such oil "State of Washington," "Rejected," "Quality Inferior," with name and date of inspection. The state chemist is hereby constituted the referee whose decision shall be final in all cases of dispute regarding oils: *Provided further*, That the same penalties applying to oils which fail to meet the fire test of the State of Washington shall also apply to oils of inferior illuminating quality.

State chemist  
to make  
analysis.

Deputies—ap-  
pointment,  
removal, and  
duties of.

SEC. 2. The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the state inspector: *Provided*, That the state inspector may remove any of said deputies for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves at their own expense with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose to promptly inspect all oils hereinbefore mentioned, and to reject for illuminating purposes all oils which will take fire and burn at a temperature of less than one hundred and twenty degrees of Farenheit's [Fahrenheit's] thermometer: *Provided*, The quality of oil used in the test shall not be less than one-half a pint. The oil tester adopted shall be the open Tagliabue electric cup or one similar in construction and result, which shall be used by the inspector and his deputies.

Quality of oil.

Oath of  
inspectors.

SEC. 3. Every person appointed state inspector shall, before he enters upon the discharge of his duties as such, take an oath or affirmation prescribed by the constitution and laws of this State, and shall file the same in the office

of the secretary of state. The state inspector shall execute <sup>Bond of inspector.</sup> a bond in the sum of five thousand dollars to the State of Washington, to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the act or neglect of said inspector or his deputies, and the same shall be filed with the secretary of state. The deputy inspector shall, before <sup>Bond of deputy.</sup> he enters upon the duties of his office, take an oath, and execute a bond in the sum of two thousand dollars, to be approved by the county clerk and state inspector, and file such oath and bond with the county clerk of the county in which such deputy inspector resides. Such deputy shall also forward the county clerk's certificate of such filing to the state inspector. The state inspector or deputy inspector shall collect forty cents per barrel for the first two <sup>Fees to be collected.</sup> barrels; thirty cents per barrel for the next three; twenty cents per barrel for the next five barrels, and fifteen cents for the next fifteen barrels of not less than fifty gallons each and one-fifth of a cent for each and every gallon thereafter inspected at any one time: *Provided*, That should any person or persons offer for inspection oil in car load lots or over, then the fee shall be one-fifth of a cent for each and every gallon so inspected, and each deputy inspector shall pay over to the state inspector, at the commencement of each month fifty per cent of all moneys received by him for inspection and retain fifty per cent as his compensation, and in any case of inspection or branding, said fee shall be a lien upon the oil so inspected. It shall also be the duty of every inspector or deputy inspector to keep a true and <sup>Record of tests to be kept.</sup> accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of tanks, barrels, casks, or packages, the name of the person for whom inspected, and the money received for such inspection, and said records shall be open to the inspection of all persons interested. It shall be the duty of every deputy inspector, at the commencement of every month, to forward to the state inspector, true duplicate copies of such records for the preceding month. In the month of January in each year, the state inspector shall make and deliver to the <sup>Report to Governor.</sup> governor of the State annual duplicate reports of the in-

When inspection shall be made.

spection by himself and his deputies during the preceding calendar year. All illuminating oils manufactured or refined in this State shall be inspected before being removed from the manufactory or refinery; and if any person or persons, whether manufacturer, vendor or dealer, shall sell or attempt to sell to any person in this State, any illuminating oils, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor and shall be subject to a fine in any sum not exceeding three hundred dollars or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned in the discretion of the court; and if any manufacturer, vendor or dealer, in either or any of said illuminating oils, shall falsely brand the package, cask or barrel containing the same as provided in sections one and two of this act, or shall use packages, casks or barrels having the inspector's brand thereon, without having the oils inspected, he shall be deemed guilty of a misdemeanor, and shall be subject to a fine in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Cancellation of brands on empties.

SEC. 4. No person selling or dealing in illuminating or heating oils produced from petroleum, shall sell or dispose of any empty kerosene barrel, cask or package before thoroughly cancelling, removing or effacing the inspection brand on the same, and no person shall knowingly use any illuminating oil or product of petroleum for illuminating purposes before the same has been inspected and approved by the state inspector of oils or his deputy. Any person violating any of the provisions of this section, shall be punished by a fine not exceeding ten dollars, or be imprisoned in the county jail not exceeding one month or by both such fine and imprisonment in the discretion of the court.

Salary of inspector.

SEC. 5. The state oil inspector shall receive a salary of eighteen hundred dollars per annum and necessary office and traveling expenses to be paid monthly out of the fees collected. And all oil fees collected in excess of said salary and expenses shall be by him turned into the general fund of the State treasury.

Complaints for violation, entry of.

SEC. 6. It shall be the duty of the state inspector, or any deputy inspector, who shall know of the violation of any of the provisions of this act, to enter a complaint before

any court of competent jurisdiction, against any person so offending and in case the state inspector or deputy inspector having knowledge of the violation of the provisions of this act, shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor and shall be subject to a fine in any sum not exceeding three hundred dollars, or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned in the discretion of the court, and shall in addition thereto be removed from office.

SEC. 7. It shall be the duty of all prosecuting attorneys <sup>Duty of county attorneys.</sup> to represent and prosecute in behalf of the State, within their respective counties, all cases of offenses arising under the provisions of this act.

SEC. 8. No inspector or deputy inspector shall, while <sup>Inspector not to traffic in oil, etc.</sup> in office, traffic, directly or indirectly in any article or substance which he is appointed to inspect. For a violation of any of the provisions of this section he shall be liable to a penalty not to exceed three hundred dollars.

SEC. 9. It shall be the duty of the governor to remove <sup>Removal by Governor.</sup> from office, and to appoint a competent person in the place, of any inspector who is unfaithful to the duties of his office.

SEC. 10. All acts and parts of acts in conflict herewith <sup>Repeal.</sup> are hereby repealed.

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 162.

(H. B. No. 182)

## COMPULSORY ATTENDANCE OF CHILDREN IN PUBLIC SCHOOLS.

AN ACT relating to the compulsory attendance of children between the ages of eight and fifteen years in the public schools of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

**Exceptions.**

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child from eight to fifteen years of age shall cause such child to attend the public schools of the district in which the child resides for the full time in which such school may be in session, or private school for the same time, unless the child is physically or mentally unable to attend, has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of public schools in this State or provided by the course of study of the said school, is otherwise being furnished with the same education, or has been excused from such attendance for some other sufficient reason by the superintendent of the schools of the district in which the child resides, if there be such a superintendent, or, in all other cases, by the county superintendent of common schools.

**Employment of prohibited, when.**

SEC. 2. No child under the age of fifteen years shall be employed in any manufacturing, mechanical or other mercantile establishment, or by any telegraph or telephone company, or by any other corporation in this State during the time in which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent, as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation or company employing any such child shall keep such certificate on file so long as such child is employed by him

or her. The form of said certificate shall be furnished by the Superintendent of Public Instruction.

SEC. 3. Any person violating the provisions of the two <sup>Penalty.</sup> preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act to a justice of the peace or to the judge of the superior court.

SEC. 4. To aid in the enforcement of this act, attendance <sup>Attendance officers—how appointed.</sup> officers shall be appointed and employed as follows: In city districts the board of directors shall annually appoint one or more attendance officers; in incorporated towns or in villages the board of directors shall appoint an attendance officer who may also be a regularly appointed constable or marshal; in all other districts the county superintendent shall act as attendance officer. The compensation of the attendance officer shall be fixed and paid by the board appointing him, or, in case of clerks, by the board of which he is a member. The attendance officer shall be vested with <sup>Powers of.</sup> police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops or other places in which children may be employed, for the purpose of making such investigations as may be necessary to the enforcement of this act. The attendance officer is authorized to take <sup>Authority of</sup> into custody the person of any child between eight and fifteen years of age who may be a truant from school and to conduct said child to his parents for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings <sup>Proceedings by.</sup> against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties described in this act and perform such other services as the superintendent of schools or the board of directors may deem necessary. The attendance officer shall keep a record of his transactions for the <sup>Records of.</sup> inspection and information of the board of directors and the city or county superintendent; and shall make a detailed report to the superintendent of the city or of the county, as often as the same may be required.

SEC. 5. Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests in the city or district, shall arrest without warrant <sup>Arrest of truants without warrant.</sup> a child who, under the provisions of this act is required

to attend school, such child being then a truant from instruction, upon which he is lawfully required to attend within the city or district of the aforesaid officer. He shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child or of a teacher from whom the child is then a truant or, in case of habitual and incorrigible truants, shall bring them before a justice of the peace. The justice of the peace shall if he is convinced that the child so arrested is an habitual truant or that the child is guilty of wilful and continued disobedience to the school rules and regulations or laws or that the conduct of the child is pernicious and injurious to the school, bind the child over to the superior court with a view to his commitment to the State Reform School or other school for incorrigibles.

Duty of district clerk as to census report.

SEC. 6. It shall be the duty of the district clerk at the beginning of the school year to provide the teacher with a copy of the last census of school children taken in his district. It shall be the duty of principals and teachers to report to the attendance officer, the Superintendent of Public Instruction, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools immediately after these offenses have been committed.

Jurisdiction.

SEC. 7. In cases arising under this act all justices courts, municipal courts, and superior courts in the State of Washington shall have concurrent jurisdiction.

County attorney to act.

SEC. 8. The county attorney shall act as attorney in all court proceedings relating to the compulsory attendance of children as required by this act.

Annual report to state board of education.

SEC. 9. The board of directors of each school district under the provisions of this act shall annually report to the State Board of Education whether their respective districts have made provisions required by this act; and in case the said board of any district shall in any year refuse or neglect to comply with the provisions of this act after having been duly notified by the Superintendent of Public Instruction, twenty-five per centum of the money appropriated to such district from the State for school purposes shall be withheld until the provisions of this act have been complied with.

Failure of officers—penalty.

SEC. 10. Any superintendent, teacher, attendance officer, constable or other officer who shall fail or refuse to perform the duties prescribed by this act shall be deemed guilty of



a misdemeanor and, upon conviction thereof, be fined not less than twenty or more than one hundred dollars: *Provided*, That in the case of a district officer such fine shall be paid to the county treasurer and by him placed to the credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county.

SEC. 11. All fines except as otherwise provided in section two, under the provision of this act, shall inure and be applied to the support of the public schools in the district where such offense was committed. Fines.

SEC. 12. No officer performing any duty under any of the provisions of this act, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty. Liability for costs.

Passed the House February 14, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 163.

(H. B. No. 201)

### RELATIVE TO THE PROTECTION OF CLAMS.

AN ACT relating to the protection of clams; providing penalties for its violation and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. It shall not be lawful for any person or persons, firm or corporation, or any person whatsoever, to take, or dig clams from the sands on the ocean beach of the Pacific Ocean, in the State of Washington, or to have in their possession after the same have been taken, for the purpose of canning or for the purpose of sale, between the first day of May and the thirty-first day of August of each year. May 1st to September 1st

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and subject to a fine of

**Penalty.**

not less than ten (\$10) dollars nor more than five hundred (\$500) dollars for the first offense and double said amount for each conviction thereafter: *Provided*, It is not the intent of this act to prohibit the digging of said claims for one's own use but to prohibit the digging for sale and canning purposes during the months hereinbefore set out.

**Emergency.**

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 164.

(S. B. No. 246)

### TO PRESERVE FORESTS AND PREVENT AND SUPPRESS FOREST FIRES.

AN ACT to provide for the preservation of the forests of this State, for the prevention, control and suppression of forest fires, to create a State Board of Forest Commissioners, providing for a State Fire Warden and Forester, Deputy Fire Wardens, Forest Rangers, defining their duties and powers, making an appropriation therefor, and providing punishments for the violation thereof, and repealing an act entitled, "An act to protect from fire forests and other property within the State of Washington, and creating Forest Fire Wardens, Deputies, Patrolmen, and defining the duties and providing penalties and declaring an emergency," approved March 16, 1903.

*Be it enacted by the Legislature of the State of Washington:*

**Board of  
forest com-  
missioners.**

SECTION 1. There is hereby created a board to be known as the state board of forest commissioners, consisting of the state land commissioner whose term of office shall be co-extensive with his term as state land commissioner, and four electors of the State of Washington to be appointed by the governor, whose term of office shall be four years from the date of appointment: *Provided, however*, That two of the first appointees under the terms of this act shall hold office for only two years, and thereupon the governor shall appoint the successors of such two-year appointees for the

**Term of  
office.**

term of four years. Each of the members of said board shall take and subscribe an oath or affirmation before some officer authorized by law to administer the same to faithfully perform the duties of said office. The members of said board shall receive no compensation whatever for the performance of their duties. The secretary of state shall provide suitable quarters for the use of said board and the state fire warden and forester in the state capitol building. The said board shall meet at the call of the governor as soon as convenient after their appointment at the state capital, and shall organize by the election of a chairman. A majority of the members of said board shall constitute a quorum. Said board shall meet at the state capital, or any other convenient place within the State at any other time at the call of the chairman, and the chairman is hereby directed to call a meeting thereof whenever requested in writing so to do, by three or more members of said board.

No compensation.

Quarters at capitol.  
Meetings.

SEC. 2. The state board of forest commissioners shall supervise all matters of State forest protection as provided for in this act; it shall have full power to appoint a state fire warden and forester, deputy fire wardens and forest rangers; to make such rules and regulations for the prevention, control and suppression of forest fires as is deemed necessary; to regulate and control the official acts of the state fire warden and forester, deputy fire wardens and forest rangers, and have power to remove at will any of these officials; it shall be the duty of said board to collect information regarding the timber lands owned by the State through investigation made by the state fire warden and forester, deputy fire wardens and forest rangers, regarding the condition of the timber lands belonging to the State, reporting any damage caused by forest fires and any illegal cutting or trespassing upon State timber and report promptly such information to the state land commissioner.

Supervision.

SEC 3. The state board of forest commissioners shall appoint a state fire warden and forester at an annual salary of fifteen hundred dollars (\$1500.00) payable monthly out of the state treasury in the same manner as the salary [salaries] of other state officials are paid; he shall also be entitled to all office, traveling and other necessary expenses incurred by him under the authority of the state board of forest commissioners, while in the actual performance of his duties. All expenses so incurred shall be submitted in full de-

State fire warden.

Salary.

tail to the state board of forest commissioners for examination, and if approved and allowed by said board shall be presented to the state auditor, who shall, if found correct, draw his warrant upon the state treasurer for the amount so allowed, and the state treasurer is hereby authorized to pay said amount due out of any moneys in the treasury appointed for this purpose.

Duties of  
State fire  
warden.

SEC. 4. The state fire warden and forester shall act as secretary of the state board of forest commissioners and shall have direct charge and supervision of the forest fire service of the State subject to the direction, rules and regulations of the state board of forest commissioners. The term "forest fire service" as used in this act shall be held to include all deputy fire wardens, forest rangers and help especially employed for fighting forest fires. In times of emergency or unusual danger, the state fire warden and forester is empowered to mass the forest fire service of the State where their presence might be required by reason of forest fires and to take charge of and direct the work of suppressing such fire. He shall enforce all laws for the preservation of forests within the State and investigate the origin of all forest fires, vigorously prosecute all violators of this act, prepare and print for public distribution an abstract of the forest and fire laws of Washington, together with such rules and regulations as may be formulated by the state board of forest commissioners. He shall annually notify the county clerk in each county where deputy fire wardens or forest rangers are appointed giving the names of appointments so made. He shall furnish notices printed in large letters on cloth calling attention to the danger from forest fires and to the penalties for the violation of this act; such notices to be posted in conspicuous places by the deputy fire wardens or forest rangers in all timber districts along roads and trails, streams and lakes frequented by tourists, hunters and fishermen, and in other visited regions. He shall, subject to the approval of the state board of forest commissioners, prepare all necessary printed forms for the use of deputy fire wardens in connection with the granting of applications for permits to burn, for the appointment of rangers, any and all forms or blanks required or desirable, and shall supply each deputy fire warden with such forms and blanks. It shall be the duty of the state fire warden and forester to audit and carefully inspect all bills of salary and

Notices.

Auditing  
accounts.

expenses incurred by the deputy fire wardens and all bills authorized by the deputy fire wardens for the suppression, checking or control of forest fires, and to determine what amounts are justly due and should be paid. When so determined he shall present a statement thereof for each county, accompanied by the original bills to the state auditor, who shall audit the same, and if found correct, the state auditor shall draw his warrants on the state treasurer in payment thereof, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for such purposes. The state fire warden and forester shall become familiar with the location and area of all State timber and cut-over lands and prepare maps of each of the timbered counties showing the State lands therein and supply such maps to each deputy fire warden and in all ways that are practical and feasible protect such lands from the ravages of fire and the illegal cutting of timber, reporting from time to time direct to the state land commissioner such information as may be of benefit to the State in the care and protection of its timber. It shall be his duty to institute inquiry into the extent, kind, value and condition of the timber lands of the State; the amount of acres and value of timber that is cut and removed each year; the extent to which timber lands are being destroyed by fires, and also examine into the production, quantity and quality of second growth timber and shall not later than the first day of December, of each year make a written report to the state board of forest commissioners upon all such facts as found by him, together with detailed information as to the work of the forest fire service of the State. The state fire warden and forester shall have power to temporarily suspend any deputy fire warden or forest ranger who may be incompetent or unwilling to discharge properly the duties of his office and to appoint his successor temporarily until his action shall be passed on by the state board of forest commissioners.

Duty as to  
timber lands.

Suspension of  
deputies.

SEC. 5. Said board of forest commissioners shall have power to appoint within any county in this State where there is timber requiring protection a deputy fire warden for all or any portion of the period from June the 1st, to October the 1st, of each year. Such deputy fire warden shall receive a compensation of \$4.00 a day for the time actually employed; he shall make his headquarters at the county seat of the county he represents and be equipped with suitable

Deputy  
wardens—  
compensation  
and duties of.

office quarters in the county court house by the county commissioners. The board of county commissioners of any county in which there has been no deputy fire warden appointed may request the state board of forest commissioners to appoint a deputy fire warden, and said board may, if in their judgment the necessity exists, appoint a deputy fire warden for such county. The authority of county fire wardens respecting the controlling or suppressing of forest fires, summoning help or making arrests for the violations of this act may extend to any adjacent county or to any part of the State in times of great fire danger. The salaries and necessary expenses of all deputy fire wardens, together with all expenses incurred for help and assistance in forest fire protection, shall be borne in the proportion of two-thirds by the State and one-third by the county in which the service was given and the expense incurred for forest fire protection. All accounts of the deputy fire warden shall be submitted to the state fire warden and forester as well as all bills for forest fire protection authorized by the deputy fire wardens, and when such bills are approved and paid as provided for in section 4 of this act, the amount of one-third of all such outlays in each county will be due and payable on demand from each of such counties into the state treasury and credited to the fund appropriated by this act. All deputy fire wardens shall render reports to the state fire warden and forester on such blanks or forms or in such manner and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred and such other information as may be called for by the state fire warden and forester.

Reports of  
deputies.

Deputies under  
direction  
of State  
warden—  
duties of.

SEC. 6. Each deputy fire warden shall be at all times under the direction and control of the state fire warden and forester, and shall perform such duties at such times and places as he may direct. It shall be their duty to post over the forest areas notices of warning giving the date of the closed season as provided for in section 8 of this act and copies of all such laws and rules as they may be directed to post by the state fire warden and forester. They shall investigate all fires and report all of a serious or threatening character to the state fire warden immediately by telegraph. They shall patrol their districts; visit all parts of roads and trails and frequented places and camps as far as possible, warn campers or other users of fire, see that all locomotives

and engines are provided with spark arresters in accordance with law; extinguish small or smoldering fires, impress or employ help to stop conflagrations; see that all laws for the protection of forests are enforced and arrest and cause to be prosecuted all offenders. Any person refusing to render assistance when called upon by any deputy fire warden or rangers shall be guilty of a misdemeanor and shall be punished by a fine not exceeding twenty-five (\$25.00) dollars, or imprisonment in the county jail not exceeding thirty (30) days. Any person who shall wilfully or needlessly deface, destroy or remove any warning placard or notice posted under the requirements of this act shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (\$100.00) dollars for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Penalty for  
refusal to  
help deputies.

SEC. 7. All state land cruisers shall be *ex-officio* forest rangers and timber cruisers and others in the employ of corporations or individuals may at the discretion of the state fire warden and forester be appointed forest rangers and vested with their duties and powers, but they shall receive no compensation for their services; the state fire warden and forester, deputy fire wardens, forest rangers and all police officers are hereby empowered to make arrests without warrant of persons violating this act.

State cruisers  
ex-officio  
warden.

SEC. 8. No person shall burn any slashing, chopping, wood-land or brush-land within any county in this State in which there is a deputy fire warden between the first day of June and the first day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the deputy fire warden of such county; and any person who shall violate this provision shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred (\$100.00) dollars, or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the state board of forest commissioners shall prescribe. When any person shall have obtained permission from a deputy fire warden to burn any slashings, made for the purpose of clearing land, the deputy fire warden, may, at his discretion, furnish him with a man to supervise and control the burning who shall represent and act for such deputy fire warden and shall have all the powers and author-

Closed season  
for burning  
slashings.

Permission  
for burning.

ity of the deputy fire warden while engaged in such service, including the right to revoke such permit if in his opinion the burning authorized will endanger any valuable timber or other property. Such man shall serve only such time as the party burning may be able to keep the fire under control himself. The deputy fire warden shall also be authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires which may be in danger of destroying any valuable timber or other lands in this State. Such man so employed and also the representative of the deputy fire warden supervising the burning shall be entitled to a compensation of twenty-five cents per hour for each hour's actual service, and the deputy fire warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which after approval by the state fire warden and forester the man shall be entitled to receive payment from the State in the manner provided for in section 4 of this act.

Extra help to  
prevent  
spread of fire.

Penalty for  
negligence.

SEC. 9. Any person who shall on any land within this State set and leave any fire that shall spread and damage or destroy property of any kind not his own shall be punished by a fine of not less than ten nor more than five hundred dollars. If such fire be set or left maliciously, whether on his own or another's land with intent to destroy property not his own, he shall be punished by a fine of not less than twenty nor more than one thousand dollars, or imprisonment of not less than one month nor more than one year, or by both such fine or imprisonment, and shall be liable for all such damages in a civil suit. All fines collected under this act shall be paid into the county treasury. This section shall not apply to back fires reasonably set for the saving of life and property. During the closed season any person who shall kindle a fire on land not his own in or dangerously near any forest and leave same unquenched or who shall be a party thereto, or who shall by throwing away any lighted cigar, matches or by use of fire-arms or in any other manner start a fire upon forest lands not his own and leaves same unquenched shall upon conviction be fined not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not exceeding two months.

Spark-arrest-  
ing devices,  
for locomotives.

SEC. 10. It shall be unlawful for any person, company or corporation to operate any spark-emitting locomotive, log-



ging or farm engine or boiler in this State at any time during the months of June to October, inclusive, or for any person to operate any logging or other engine or boiler in the immediate vicinity of any forest slashing, chopping, wood-land or brush-land during the closed season without such locomotive or engine is provided with and uses a safe and suitable device for arresting sparks. Any person, company or corporation who shall fail to provide and use such spark arresters during the periods herein mentioned shall upon conviction pay a fine for each engine or locomotive for each day so operated without such spark arrester of not less than ten nor more than fifty dollars, and shall be prohibited from further use of such locomotive and engine in such months or season until such spark arrester is provided and used therewith. Fines from this source shall be paid into the current expense fund of the county treasury. Deputy fire wardens and forest rangers shall report any lack of sufficient spark arresters to the prosecuting attorney of their county and the superior court of that county where suit is first instituted shall have jurisdiction of the offense.

Failure to provide.

SEC. 11. Whenever an arrest shall have been made for a violation of any of the provisions of this act or whenever information of such violation shall have been lodged with him, the prosecuting attorney of the county in which the criminal act was committed shall prosecute the offender or offenders with all diligence and energy. If any such prosecuting attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars and by imprisonment of not less than thirty days nor more than one year. The penalties of this section shall apply to any magistrate with proper authority who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violations of any provisions of this act has been lodged with him.

Duty of county attorney.

SEC. 12. Nothing in this act shall be construed to prevent any person owning lands, or person or persons employed by him, from burning logs, stumps, drift or brush heaps when such are burned in small quantities isolated from other inflammable material under personal supervision and such other safeguards as shall prevent such fires from spreading.

Exception, as to small fires.

**Appropriation** SEC. 13. The sum of seven thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the State treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

**Repeal.** SEC. 14. An act entitled "An act to protect from fire forests and other property within the State of Washington and creating forest fire wardens, deputies, patrolmen and defining duties and providing penalties and declaring an emergency," approved March 16th, 1903, be and the same is hereby repealed.

Passed the Senate March 8, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 11, 1905.

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## CHAPTER 165.

(H. B. No. 69)

### STATE FISH HATCHERY ON LEWIS RIVER.

AN ACT to establish a Fish Hatchery on the East Fork of Lewis River.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That the Fish Commissioner is hereby authorized and empowered to establish and maintain a fish hatchery on the east fork of Lewis river in Clarke County: *Provided*, That said stream is suitable for the hatching of salmon.

Passed the House February 21, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 166.

(H. B. No. 257)

**FOR THE RELIEF OF P. M. TROY, JAMES B. MURPHY AND  
J. B. BRIDGES.**

**AN ACT** for the relief of P. M. Troy, James B. Murphy and J. B. Bridges, comprising the Examining Board to conduct examinations of applicants for admission to the bar, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be hereby appropriated out of the general funds of the State of Washington, for the payment in full of the claims of P. M. Troy, James B. Murphy and J. B. Bridges, for services as members of the Bar Examining Board in conducting examinations of applicants for admission to the bar, the following amounts:

	Per diem.	Mileage.	Total
P. M. Troy, 3 days, January, 1904.....	\$ 30.00	\$	\$
P. M. Troy, 3 days, May, 1904 .....	30.00		
P. M. Troy, 3 days, October, 1904 .....	30.00		
P. M. Troy, 3 days, January, 1905 .....	30.00		
	<hr/> \$120.00	<hr/>	<hr/> \$120.00
J. B. Murphy, 4 days, January, 1904 .....	\$ 40.00	\$ 6.40	\$
J. B. Murphy, 3 days, May, 1904 .....	30.00	6.40	
J. B. Murphy, 3 days, October, 1904 .....	30.00	6.40	
J. B. Murphy, 3 days, January, 1905 .....	30.00	6.40	
	<hr/> \$130.00	<hr/> \$ 25.60	<hr/> \$155.60
J. B. Bridges, 3 days, January, 1904 .....	\$ 30.00	\$ 6.00	\$
J. B. Bridges, 3 days, October, 1904 .....	30.00	6.00	
J. B. Bridges, 3 days, January, 1905 .....	30.00	6.00	
	<hr/> \$ 90.00	<hr/> \$ 18.00	<hr/> \$108.00

SEC. 2. The auditor is hereby authorized to draw his warrant for the several amounts to the several parties herein named, and the treasurer is directed to pay the same.

Passed the House March 6, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 167.

(S. Sub. B. No. 243)

RELATIVE TO PUBLICATION AND SALE OF WASHINGTON  
SUPREME COURT REPORTS.

AN ACT to provide for the publication and sale of the Washington Supreme Court Reports.

*Be it enacted by the Legislature of the State of Washington:*

700 pages.

SECTION 1. The reports of the Supreme Court of the State of Washington shall be published in volumes of not less than seven hundred (700) pages, exclusive of indices and tables of cases reported, cases cited and statutes construed. The style of type used, the general typography and binding, shall be equal in quality and generally similar to that used in volume thirty-five (35) Washington Reports, official edition: *Provided*, That the reporter may require the publisher to have two more "ems" on each line and two more lines on each page. The volumes shall be printed on regular law book paper of not less than sixty (60) pounds to the ream, of character satisfactory to the reporter of the Supreme Court.

Quality of  
paper.Supervision  
of Chief  
Justice.

SEC. 2. The reporter of the Supreme Court shall have no pecuniary interest in the volumes of the Reports, but they must be published under the supervision of the Chief Justice of the Supreme Court and reporter, by contract, for periods of ten years each, to be entered into as hereinafter provided, with a responsible person or persons who shall agree to publish and sell said Reports on the terms most advantageous to the State and to individuals resident in this State, and at a rate not to exceed two dollars and fifty cents (\$2.50) per bound volume, or three dollars per bound volume and the advance sheets of the opinions in such bound volume, delivered to the subscriber.

Advertising  
of proposals.

SEC. 3. Before entering into said contract, it shall be the duty of the reporter to advertise for proposals for the publication of said Reports once each week for four consecutive weeks, in two daily papers published within this State. Such publication shall be commenced on the second Monday in June, 1905, and on the second Monday in June every ten

years thereafter. The proposals shall be opened by the Chief Justice of the Supreme Court and the reporter of said Court. It shall be the duty of the Chief Justice and the reporter of the Supreme Court to consider all proposals for the publication of said Reports so submitted, and to award the contract to the person or persons who will agree to publish and sell the same, on the terms most advantageous to the State and to individuals resident in this State. The reporter shall execute the contract on behalf of the State.

SEC. 4. The contract must provide:

Contract,  
what to  
provide.

*First.* That each volume shall be published within sixty (60) days after the manuscript is delivered by the reporter to the publisher, and that stereotype plates be made of each volume to the end that the same may never be out of print.

*Second.* That the entire manufacture of said volumes shall be done within the State of Washington.

*Third.* That the volumes or any portion thereof, or any notes, indices, or tables of cases, that may be published in connection therewith, shall not be copyrighted by the publisher, but it may be optional with the Legislature at any time to direct the reporter to copyright the volumes for the benefit of the State.

*Fourth.* That the publisher shall sell three hundred (300) copies of each volume to the State at the price named in the proposals, and keep on hand and for sale within the State, to individuals resident in this State, at the price therefor, named in the proposals, a sufficient number of each volume to supply all demands for a period of ten (10) years from the date of publication thereof.

State's  
portion.

*Fifth.* The contract shall further provide that the publisher shall issue once each week in pamphlet form, the opinions of the Supreme Court, with appropriate head notes, and table of cases; and sell the same to the subscribers to the Washington Reports at the price fixed in the proposals; and also, shall agree to mail without cost, a copy of each weekly issue, to each supreme judge, the reporter and attorney general, and to each judge of the superior court and prosecuting attorney of each county in this state, six copies to the state library, and six copies to the law department of the state university.

*Sixth.* The contract shall further provide that the manufacture of the volumes shall be done to the entire satisfaction of the Chief Justice of the Supreme Court and the reporter,

and that in case of wilfull failure or refusal on the part of the publisher to comply with the terms of the contract, the reporter may, with the approval of the Chief Justice, declare the same forfeited and void, by the giving of written notice to the publisher to that effect, and the Chief Justice and reporter shall re-let the contract for the remainder of the unexpired term of the contract, as soon thereafter as practicable, upon new proposals to be called for, considered and awarded in the manner provided for in section three of this act.

Bond of  
contractor.

*Seventh.* That the contractor give a sufficient bond, running to the State of Washington, which must be approved by the reporter, for the fulfillment of the terms of the contract, in the sum of ten thousand dollars (\$10,000).

Extra copies  
to library.

SEC. 5. On the publication of each volume of Reports the Supreme Court must purchase for the use of the State, from the publisher to whom the contract is awarded, three hundred (300) copies of said volume at the price named in the contract, and deliver the same to the Librarian of the state library, who shall distribute same as required by law, and the remaining copies, if any there be, shall be deposited in the state library.

Passed the Senate March 2, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 168.

(S. B. No. 182)

### CREATING OFFICE OF PUBLIC PRINTER AND PROVIDING FOR PUBLIC PRINTING AND BINDING.

AN ACT creating the office of public printer; providing for the appointment thereof and qualifications of said officer; providing for the public printing and binding, fixing the compensation thereof, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

Governor to  
appoint.

SECTION 1. The office of public printer is hereby created, which office shall be filled by appointment, by the Governor,

and who, when appointed, shall hold office at the pleasure of the Governor, until his successor is appointed and qualified.

SEC. 2. Before entering upon the duties of his office, the <sup>Bond.</sup> public printer shall execute to the State of Washington, a good and sufficient bond in the sum of ten thousand dollars, conditioned for the faithful and punctual performance of all the duties of his office. Such bond shall be approved by the Governor and filed with the secretary of state.

SEC. 3. The public printer shall print and bind the ses- <sup>Duty of printer.</sup> sion laws, the journals of the two houses of the Legislature, all bills, resolutions, documents and other printing and binding of either the senate or house, as the same may be ordered by the Legislature; and all forms, blanks, record books and printing and binding of every description required by all state officers, boards, commissions and institutions and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time by the proper authorities: *Provided*, This act shall not apply to the printing of the supreme court reports.

SEC. 4. All printing and binding shall be done under the <sup>Supervision.</sup> general superintendence of the authorities ordering the same, and when completed shall be delivered to such authorities, who shall sign receipts in duplicate therefor: *Provided, however*, That before the public printer shall execute any printing or binding for any office, board, commission or institution, the proper officer thereof shall apply for, and, if such <sup>Requisitions for work ordered.</sup> printing and binding is found to be necessary and proper, they shall be furnished with requisitions in duplicate for such printing and binding approved by the Governor, who shall also approve all bills for printing or binding before the same are paid.

SEC. 5. Upon the delivery of work and receiving a receipt therefor the public printer shall make out, and deliver to the secretary of state a bill in duplicate therefor, stating what <sup>Duplicate bills for each job.</sup> the book, work or job is when the requisition therefor was received by him and when the same was finished and delivered, and specify particularly by item everything charged for in such bill, giving the amount and the price charged for each separate item as hereinafter specified, and the aggregate amount charged for such job or work, together with the number of copies thereof printed and delivered, and with the original requisition issued by the Governor for such job

or work attached. One copy of such bill shall have attached a copy of the book, job or work herein mentioned and a receipt from the officer receiving such work, and together with the original requisition of the Governor shall remain on file in the office of the secretary of state. No bills shall cover more than one book, report, blank or job of any kind.

Secretary of  
State to keep  
record.

All bills shall be numbered, and the secretary of state shall register the same in numerical order in a book designated as "Register of Public Printing," which shall be so ruled and printed that he can enter in red ink opposite the amount charged by the public printer for each item, the amount allowed by the secretary of state as auditor for such item, and the amount so audited and allowed, if different from the amount claimed in said bill, shall in all cases, be so entered by such secretary of state. Immediately after the registering of such bill the secretary of state shall designate on the duplicate of said bill, such item or items as he shall disallow in whole or in part, and shall certify thereon to the state auditor the amount by him allowed and upon presentation of such duplicate together with the duplicate requisition issued by the Governor therefor, with the approval of the Governor covering the items listed thereon, the state auditor shall issue a warrant therefor on the state treasurer, payable out of any funds appropriated for that purpose: *Provided*, That the state auditor may include in one warrant the aggregate amount of any number of bills as audited and certified by the secretary of state when such bills are payable out of the same funds.

**Classification.** SEC. 6. For the purpose of providing for the compensation of the public printer for his services, the public printing shall be divided into the following classes, and be paid for as herein stated:

**First class.** *First Class.* The bills, resolutions, and other matters that may be ordered by the Legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed on half sheet cap paper, weighing not less than fourteen pounds to the ream, in small pica type, each page to contain not more than forty-four lines of said matter of the usual length of forty-pica ems, and the lines shall be successively numbered, with a nonpareil slug between each line; and the same shall be measured as solid matter at single price when lines are not underscored, and when more than five lines on any one page are underscored, at price and



one-half; and every fraction of a page shall be measured as a full page, but no blank pages shall be counted or paid for. The compensation to be paid for printing of the first class shall be as follows:

Composition, forty-five cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form, and fifteen cents for each subsequent one hundred impressions thereof; a form to consist of two pages, or fraction thereof in any one bill form.

*Second Class.* The second class shall consist of the journals of the senate and House of representatives, and shall be printed on what is known as book paper, weighing not less than fifty pounds to the ream, in long primer type, with a six-to-pica lead between each line, and without unnecessary blanks, broken pages or paragraphs; the blanks between the proceedings of each day and of the different sessions of the same day not to exceed four picas; the type matter for a page to be four by seven inches. Second class.

The general style of the journals of the house and senate of the session of 1903, shall be followed in the printing and binding of the journals hereafter. The compensation to be paid for printing of the second class shall be as follows:

Composition, sixty cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form and fifteen cents for each subsequent one hundred impressions thereof; a form to consist of eight pages.

*Third Class.* The third class shall consist of all reports, communications and other documents that may be ordered printed in book form by the Legislature, or either branch thereof (except such as are otherwise specified in this section) and all reports, pamphlets and other like matters required by all state officers, boards, commissions and institutions, and shall be printed in the same kind of type and on the same kind of paper, and the pages shall be of the same size as specified in the second class. The compensation to be paid for printing of the third class shall be the same as that for the second class: *Provided*, That tabular matter shall be set in nonpareil. Third class.

*Fourth Class.* The fourth class shall consist of the session laws, and shall be printed and bound in the same style, size of page and form as the session laws published by this State heretofore, with similar marginal notes, and shall be on book paper weighing not less than sixty pounds to the Fourth class.

ream. The compensation to be paid for printing for the fourth class shall be as follows:

Composition, sixty cents per one thousand ems, with marginal notes measured in the type in which they are set, separate from the body of the page.

Presswork, same as the prices fixed for printing of the second class.

Reprints of the session laws, when authorized by law, shall be printed and paid for as fourth class printing.

**Fifth class.**

*Fifth Class.* The fifth class shall consist of the printing of all blanks, record books and circulars required by the respective state officers, boards, commissions and institutions, and the rate and compensation to be paid therefor shall be as follows:

Composition, fifty cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form, and fifteen cents for each subsequent one hundred impressions thereof up to 1000 impressions, and for all over 1000 impressions thirteen cents for each subsequent one hundred impressions; a form to consist of one side of the sheet on which the job is printed and delivered: *Provided*, That all job work set in not larger than pica type shall be measured in the type in which the job is set, and all job work set in type larger than pica shall be charged for as time work. The price herein provided to be paid for all composition in the classes specified in this act shall include and cover proof-reading, make-up and lock-up ready for the press, and there shall be no extra charge made therefor unless alterations are made from original copy.

**Measurements** SEC. 7. All measurements of composition shall be based on the published rule of the international typographical union.

SEC. 8. Compensation for binding on all classes of work shall be under and according to the following schedule:

**Pages 6 x 9.**

Standard size of pages shall be six by nine inches. A signature shall consist of sixteen pages or necessary fraction thereof.

**Pamphlets.**

For pamphlets containing one signature or less, including folding, gathering, stitching, covering and trimming, for one thousand finished pamphlets \$4.75, and for each additional signature or fraction thereof \$1.60 for each 1000 finished pamphlets.

For pamphlets containing more than twelve and not more than eighteen signatures, including items as above, for one thousand finished pamphlets, \$35.00.

For case covered bound books, cloth or full sheep or **Books.** skiver, including folding, gathering, sewing on three bands, forwarding and finishing, stamping and trimming complete and finished as follows:

Per volume of not over six signatures, 25 cents.

Per volume over six sections and not over twelve sections, 30 cents.

Per volume over twelve sections and not over eighteen sections, 35 cents.

Per volume over eighteen sections and not over twenty-four sections, 40 cents.

Per volume over twenty-four sections, five cents for each additional six sections or fraction thereof.

All inserts tipped in per 1000, \$1.50.

All time work not covered by the above described work **Time work.** shall be paid for at the rate of \$1.00 per hour.

All ruled work to be paid for at the rate of \$1.25 per hour **Ruled work.** for time of machine and attendance.

The public printer shall furnish all paper, stock and binding materials required in all public work and shall charge the same to the State, as the same is actually used, at the actual price at which same was purchased. Whenever a piece of work is delivered to the State, the public printer shall make and file in the office of the Governor an affidavit stating the amount of material actually used in said piece of work and the actual value of same, calculated at the wholesale price at which the same was purchased. **Printer to furnish stock, charged to State.**

The public printer shall also file in the office of said Gov- **Material bills.** ernor all bills for material purchased by him for State work, accompanied by his affidavit that same is true and correct, and that said bills show the true amount actually paid therefor.

**SEC. 11.** An emergency exists and this act shall take effect **Emergency.** immediately.

Passed the Senate February 27, 1905.

Passed the House March 8, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 169.

(H. B. No. 99)

## AMENDING ACT OF 1903, RELATIVE TO IMPORTATION OF HORSES, CATTLE AND SWINE.

AN ACT to amend section one of and adding section one and one-half to an act entitled, "An act prohibiting the importation of horses, cattle and swine, unless accompanied by a certificate of health and permit from some official veterinarian, excepting animals intended for exhibiting, providing for its enforcement, and fixing a penalty for its violation," approved March 16, 1903.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section one of an act approved March 16, 1903, entitled "An act prohibiting the importation of horses, cattle and swine, unless accompanied by a certificate of health and permit from some official veterinarian, excepting animals intended for exhibiting, providing for its enforcement, and fixing a penalty for its violation," be amended to read as follows: Section 1. That it shall be unlawful to bring into the State of Washington any horses, cattle or swine for work, feeding, breeding or dairy purposes: *Provided however,* That shipments of horses, cattle and swine may be brought into the State of Washington after said horses, cattle and swine have been examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, actinomy cosis rinderpest, foot and mouth diseases, contagious abortion, contagious keratitis, scabies, maladiou coit, swine plague and hog cholera and a bill of health and a permit given by a state veterinarian, an assistant state veterinarian, a veterinarian of the United States Bureau of Animal Industry, or by a veterinary acting under the order or direction of the livestock sanitary board of any state: *Provided,* That in the case of cattle over six months of age to be used for breeding or dairy purposes, the non-existence of tuberculosis shall have been determined by the tuberculin test and certified to by the veterinary issuing the above mentioned certificate of health and permit, the certificate of health and permit given by the above mentioned veterinarian shall be given in duplicate, the original of which shall be forwarded to the state veterinarian of Washington, and the duplicate

Unlawful to  
import before  
examination.

Cattle over  
6 months old.

given to the railroad or transportation company to be attached to the bill of lading for said animals; and no railroad or transportation company, which is meant to include boats, ferries and bridges shall accept any such animals for shipment into the State of Washington, for work, feeding, breeding or dairy purposes without the bill of health and permit therein provided for, and no railroad or transportation company shall accept from its connecting lines any animals shipped in violation of this act: *Provided*, That where shipment of horses, cattle or swine are presented at the nearest point of importation into the State, without the above mentioned certificate and permit, that such shipment of horses, cattle or swine may be granted a special permit for importation upon application to the state veterinary surgeon who may issue such special permit; such animals, however, shall enter in quarantine and shall be subject to inspection at point of destination, by the state veterinary surgeon or his deputies, and for such inspection, where the tuberculin test is given to any cattle, a fee of two dollars (\$2.00) and for the physical inspection of horses, cattle, and swine a fee of one dollar per head shall be paid by the owner.

Special  
permit.

Fee of State  
veterinarian.

SEC. 1½. Any money or monies collected by the state veterinarian or his deputies under this act, shall be turned over to the State treasurer upon the first day of each month to be turned into the general fund of the State.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 11, 1905.

## CHAPTER 170.

(H. B. No. 387)

## AMENDING ACT RELATIVE TO PROTECTION AND PROPAGATION OF FOOD FISHES.

AN ACT amending sections six, seven and seven and one-half (same being sections 5278, 5279 and 5280 of Pierce's Washington Code), of "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 13, 1899. Repealing section five (being section 5277 of Pierce's Washington Code). Also amending an act to amend section eight (being section 5281 of Pierce's Washington Code) of an act entitled, "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catch and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 16, 1903, providing penalties for the violation of the provisions of this act, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section six (same being section 5278 of Pierce's Washington Code) of "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 13, 1899, be amended to read as follows: Section 6 (5278). All licenses provided in sections two and three of this act shall be issued as follows: Upon application therefor by any person, a license shall be issued by the fish commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances in the waters of this State, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the fish commissioner and turned over to the state treasurer on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

5278 Pierce.

Licenses—  
fees therefor.

For each drag seine not exceeding 250 feet in length..	\$ 2.50
For each drag seine more than 250 feet in length and not more than 400 feet in length.....	7.50
For each drag seine more than 400 feet in length and not exceeding 500 feet.....	15.00
For each additional foot in length, the further sum of..	.03
For each first class pound net, trap or weir, on the Columbia river .....	25.00
For each second class pound net, trap or weir, on the Columbia river .....	10.00
For each first class purse seine.....	50.00
For each second class purse seine.....	25.00
For each gill net or drift net.....	5.00
For each set net.....	2.50
For each pound net, trap or weir, on Willapa Harbor and Grays Harbor.....	10.00
For each pound net, trap or weir (except on the Columbia river, Willapa Harbor or Grays Harbor) .	50.00
For each scow fish wheel.....	15.00

Stationery [stationary] fish wheels shall pay twenty-five <sup>Fish wheels.</sup> dollars for first class wheels, and ten dollars for second class wheels; all classifications of wheels, pound nets and purse seines to be determined by the fish commissioner: *Provided*, Where any trap or pound net is so constructed <sup>Traps or pound nets.</sup> as to take fish at each end of its main lead, it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double the amount of a pound net or trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owner of each trap, pound net or fish wheel operated in the waters of the State, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel to furnish to the fish commissioners on or before the tenth day of each month. It shall be the duty <sup>Duty of owners of traps—as to locations.</sup> of every person owning or operating any trap, pound net or fish wheel to furnish to the Fish Commissioners on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the fish commissioner shall propound with reference thereto, which statement shall be filed with and

License for  
boats or  
scows.

Validity of  
existing  
licenses.

5280 Pierce.

Licenses for  
canneries.

retained by the fish commissioner. Any person, firm or corporation using scows and boats or other craft in the buying of fish on the Columbia river, are hereby required to obtain from the fish commissioner of the State of Washington, before engaging in said trade or occupation, a license for such scow, boat or other craft. Each person, firm or corporation obtaining such license shall pay to the fish commissioner of the State of Washington at the time said license is issued, for said license the sum of fifty dollars (\$50.00). All licenses issued under the provisions of this section shall expire on the thirty-first day of March following the issuance of such license, and shall be renewed upon application upon payment of the license fees as provided, by this act: *Provided*, That licenses now issued shall be valid until their expiration, and shall likewise be renewed to expire on March thirty-first following the issuance of such license.

SEC. 2. That section seven and one-half of said act (being section 5280 Pierce's Code of Washington) be amended to read as follows: Section 7½ (5280). Every person, firm or corporation engaged in canning salmon shall procure a license before commencing the season's packing, as follows:

For each cannery packing less than ten thousand cases per annum.....	\$100.00
For each cannery packing from ten thousand cases to fifteen thousand cases per annum.....	150.00
For each cannery packing from fifteen thousand to twenty thousand cases per annum.....	200.00
For each cannery packing from twenty thousand to twenty-five thousand cases per annum.....	250.00
For each cannery packing from twenty-five thousand to thirty thousand cases per annum.....	300.00
For each cannery packing from thirty thousand to forty thousand cases per annum.....	400.00
For each cannery packing from forty thousand to fifty thousand cases per annum.....	500.00
For each cannery packing from fifty thousand to sixty thousand cases per annum.....	600.00
For each cannery packing from sixty thousand to seventy thousand cases per annum.....	700.00
For each cannery packing from seventy thousand to eighty thousand cases per annum.....	800.00



For each cannery packing from eighty thousand to ninety thousand cases per annum.....	900.00	Rates on can- neries—how based.
For each cannery packing from ninety thousand to one hundred thousand cases per annum.....	1000.00	

Rates on all canneries to be based upon pack of each preceding year. New canneries shall pay a license of \$250.00 until their pack is definitely known: *Provided however,* That every person, firm or corporation engaged in canning salmon on the Columbia river within the State of Washington shall pay for such license of the spring portion of the pack put up prior to August twenty-sixth, twice the sum indicated above for the respective canneries. 5279 Pierce.

SEC. 3. That section seven of said act (being section 5279 of Pierce's Washington Code) be amended to read as follows: Section 7 (5279). Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in salmon, other than canners thereof, shall pay as a license the sum of ninety cents per ton net weight of said fish bought and sold, packed or preserved or otherwise dealt in: *Provided,* No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each person, firm or corporation affected by the provision of this section to render to the fish commissioner of the State of Washington, on or before the tenth day of each month, on blanks to be furnished by the fish commissioner, a detailed statement showing net amount of fresh fish bought and sold, packed and preserved or otherwise dealt in during the preceding month, and each person shall pay to the said commissioner the amount due under the provisions therefore, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor, and upon conviction thereof the offender may be punished as hereinafter provided. 90 cents per ton net. \$2.50 per annum. Detailed report to fish commissioner.

SEC. 4. That section one of an act to amend section eight of an act entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 16, 1903, be amended to read as follows: Section 1. That section eight of an act entitled "An act providing for the protection and

Closed season  
for salmon in  
Puget Sound.

Sunday fish-  
ing prohibited  
except with  
hook and line.

Closed season  
in Gray's  
Harbor.

Prohibited  
points—how  
indicated.

Closed season,  
Willapa  
Harbor.

propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws and declaring an emergency," approved March 13, 1899, and amended by an act approved March 1, 1901, be amended to read as follows: Section 8. And it shall be unlawful to take or fish for salmon in any of the tributaries of Puget Sound during the month of April, and it shall further be unlawful to take or fish for salmon, except with hook and line, in any of the tributaries of Puget Sound above tide water; and it shall further be unlawful to take or fish for salmon except with hook or line in any of the waters of Puget Sound or its tributaries between the hours of six o'clock P. M., Saturday, and six o'clock A. M., Monday of each calendar week in each year. During the weekly closed season herein provided, the tunnel and front part of the pot of all fish traps shall be raised to high water mark, to permit salmon and other fish to swim freely and without hindrance in any direction. And it shall be unlawful to take or fish for salmon in the waters of Grays Harbor or its tributaries from the fifteenth day of March to the fifteenth day of April, and from the fifteenth day of November to the fifteenth day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the fifteenth day of August to the fifteenth day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Johns river. The fish commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the fifteenth day of March to the fifteenth day of April, and from the twenty-fifth day of

November to the twenty-fifth day of December in each year. And, also it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tide water in said rivers: North river, Willapa river and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above named rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year, between twelve M. the fifteenth day of March, twelve M. the fifteenth day of April, or between twelve M. the twenty-fifth day of August and twelve M. the tenth day of September, except Snake river, and it shall be unlawful to take or fish for salmon in said Snake river or any of its tributaries by any means whatever, in any year, between twelve M. the first day of March and twelve M. the fifteenth day of April, or between twelve M. the first day of August and twelve M. the first day of September. And it shall be unlawful to take or fish for salmon, by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river and Colville river, and in the Columbia river within one mile of the mouth of the above named rivers. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek, in Pierce county, or within two hundred and fifty yards of the mouth of said creek and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

"Angling"  
not prohibited  
in any waters.

Closed season  
in certain  
rivers.

Traps pro-  
hibited in  
Chambers  
creek.

SEC. 5. That section five of an act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency, approved March 13, 1899 (same being section 5277 of Pierce's Washington Code) be and the same is hereby repealed.

Section 5277  
repealed.

SEC. 6. Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this act, or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof for each and

Penalty for  
violations.

every offense, be subject to a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment.

**Emergency.** SEC. 7. An emergency is declared to exist and this act shall take effect immediately.

Passed the House February 28, 1905.

Passed the Senate March 7, 1905.

Approved by the Governor March 13, 1905.

## CHAPTER 171.

(H. B. No. 72)

### AMENDING BALLINGER'S CODE RELATING TO REGISTRATION OF VOTERS.

AN ACT relating to the registration of voters, and amending sections 1450, 1451, 1455, 1460 and 1461 of Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

Section 1450  
Ballinger.

Opening of  
poll books.

SECTION 1. That Section 1450 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 1450. It shall be the duty of the mayor or chief executive officer of each city or town immediately upon the taking effect of this act, to procure and open for the registration of voters duplicate poll books for each ward or voting precinct of such city or town, and on the first Monday of January of each year to procure and open like books of registration for each of said wards and voting precincts; and for all precincts having a voting population of two hundred and fifty (250) or more, outside of any city or town, the board of county commissioners for the county in which any such precinct exists shall, in like manner, procure and open duplicate poll books for the registration of voters in such precinct or precincts, and shall designate a legal voter in each of said precincts, who shall be the officer of registration in such precinct, whose duties shall be the same as those devolving upon the city or town

clerk under the provisions of this act; and the board of county commissioners shall fix the compensation of such officer of registration, which shall be paid the same as other election expenses.

SEC. 2. That section 1451 of Ballinger's Codes and <sup>1451 Ballinger</sup> Statutes of Washington, be amended to read as follows:

Section 1451. Such poll books shall at all times except as herein otherwise provided, be kept at the office of such city <sup>Poll books, where kept—when opened.</sup> or town clerk or officer of registration of such city, town or precinct; and the city or town clerk, or the person designated by the board of county commissioners as herein provided, shall be the officer of registration of such city, town or precinct; and it shall be his duty to register all citizens of such city, town or voting precinct, on such poll books, as hereinafter provided: *Provided*, That in all cities <sup>Offices of first class.</sup> of the first class the registration poll books for each precinct in such city shall be opened in such precinct for a period of not less than two nor more than six consecutive week days at a time to be designated by notice, at least thirty days prior to any general or municipal election, and the registration books in the several precincts, shall be kept opened between the hours of nine A. M. and nine P. M. of each of such days for the registration of voters qualified to register; and the city clerk shall designate a legal voter in each of such precincts who shall be the officer of registration in such precinct and whose duties shall be the same as those devolving upon the city clerk in matters of registration of voters: *And provided further*, That the city clerk of such city of the first class shall cause to be set forth in the notice required to be published by section 1453 of Ballinger's Annotated Codes and Statutes of the State of Washington, the time when and place where the registration poll books for each precinct in such city will be opened in such precinct for the registration of voters of such precinct qualified to register: *Provided, however*, That said precinct registration shall not be held in any city or the precincts thereof more than once in any one calendar year.

SEC. 3. That section 1455 of Ballinger's Annotated <sup>1455 Ballinger</sup> Codes and Statutes of Washington, be amended to read as follows: Section 1455. The poll books aforesaid shall be <sup>Poll books—how arranged.</sup> so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads as follows: Date of registration; names;

age; occupation; place of residence; place of birth; time of residence in the State, county, ward and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with column headed "Signature" for signature of the voter at the time of registering, and another and similar column immediately following, headed "Identification," for the signature of the voter in case he be challenged when he offers to vote, and a column for remarks, and one column for checking the name of voter at the time of voting. If the voter registering is of foreign birth, he shall at the time of registering produce satisfactory evidence to the registration officer that he was at the time of the adoption of the constitution of the State of Washington a qualified elector of this State, or that he is a naturalized citizen of the United States. Under the head of place of residence shall be noted the number of lot and block or number and street where the applicant resides or some other definite description sufficient to locate the residence; and the voter so registered as provided in this section shall sign his name in each of the duplicate poll books on the registry opposite the entries above required, in the column headed "Signature," unless he is a qualified elector at the time of the taking effect of this act, and shall not be capable of writing his name, or in case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally knows said voter, and who is personally known to the registering officer and who is capable of writing his name shall sign in said column immediately opposite said mark, as an identifying witness thereto.

Identification.

1460 Ballinger SEC. 4. That Section 1460 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 1460. It shall be the duty of the clerk or officers of registration, immediately upon the close of the poll books preceding any election to be held in said city, town or voting precinct, to certify to the authenticity of said duplicate poll books and, in time for the opening of polls as provided by law, to have one of said duplicate poll books at each of the voting precincts, and deliver the same to the inspector or one of the judges of said election, and take

Authenticity  
of poll books  
to be certified.

his receipt therefor. The other of said duplicate poll books shall remain in the custody of the said clerk or officer of registration.

SEC. 5. That Section 1461 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 1461. At every election one of the judges of election shall, as each person registered votes, enter on the said poll book in the check line opposite the name of such person the word "voted," said poll book to be returned to the city or town clerk or officer of registration after said election, and by him preserved.

Duty of judge  
as to each  
voter.

SEC. 6. An emergency is hereby declared to exist and this act shall take effect immediately.

Passed the House February 16, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.

Emergency.

## CHAPTER 172.

(H. B. No. 396)

### PROVIDING FOR THE APPOINTMENT OF A CHIEF DEPUTY GAME WARDEN, AND OF COUNTY GAME WARDENS.

AN ACT providing for the office and appointment of Chief Deputy Game Warden and County Game Wardens, providing for their salaries and relating to game and to the time and manner of killing and disposing of the same and providing a penalty for violation thereof, making an appropriation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. The state game warden shall appoint one chief deputy state game warden, who shall hold his office during the pleasure of the state game warden, and shall receive a salary of fifteen hundred dollars (\$1500) per year, to be paid in monthly installments, by the state treasurer on warrant drawn by the state auditor, and shall be allowed his actual expenses of travel in the performance of his duty, not to exceed the sum of seven hundred and fifty dollars (\$750) in any one year; and no payment of salary or traveling expenses shall be made by the state auditor to said

Appointed by  
State game  
warden—  
salary and  
duties of.

deputy state game warden, except upon certificate of the state game warden, that the vouchers of the deputy state game warden are correct, that the services have been faithfully rendered and the money for traveling expenses actually expended. The duties of the chief deputy game warden shall be to enforce all the provisions of law in reference to the protection of game and to prosecute all violations of law in reference thereto, to direct and supervise all acts of county and special deputy game wardens, and to use all lawful ways and means to protect game and to encourage and secure the propagation thereof.

County wardens—how appointed—salary, etc.

SEC. 2. The county commissioners of the respective counties of the State of Washington are hereby empowered and authorized to and shall, upon application in writing of one hundred resident freeholders and taxpayers of said county, appoint a suitable person, who shall be a resident and qualified elector of said county, as game warden of such county, who shall be vested with all the authority of a sheriff to perform the duties prescribed by the laws of the State of Washington for the protection of game animals, game birds, song birds and game fish. Such game warden, so appointed, shall receive a salary of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) per month to be paid monthly out of the game protection fund of such county.

County wardens ex-officio State game wardens.

SEC. 3. All county game wardens shall be *ex-officio* deputy state game wardens, and shall have the same powers in the enforcement of the game laws of the State as the chief deputy state game warden, and shall be under the direction and supervision of the chief deputy state game warden. County game wardens shall have power to appoint special game wardens for his county, such special game warden shall receive no salary but shall have same authority as other game wardens; county game wardens before entering upon their duties shall take and file with the county auditor of his county the oath of office as prescribed for other county officers, and shall be held responsible for neglect, or non-performance of his duties, and the county commissioners of any county may remove the county game warden at any time for neglect or non-performance of duty.

Non-residents permitted to remove game from State.

SEC. 4. Every non-resident or non-resident alien who shall have procured a license to hunt in this State, shall be entitled to take from the State all game animals killed by



him, not to exceed the number of each of said game animals as is allowed by law to be killed in any one year, and game birds killed by him not to exceed the number allowed by law to be killed by any person in any one day; but before any person shall be entitled to take any such game out of this State he shall make an affidavit before a notary public or other officer having a seal, stating that the game to be so removed from the State was killed by him in a lawful manner, and that the said game is not being exported for the purpose of sale. Such affidavit shall describe said animals or birds and shall be attached to said animals or birds while in transit from the State.

SEC. 5. That every person who shall at any time pursue, take, kill or injure any deer, or shall knowingly permit any dog or dogs owned by him or under his control to chase, injure or destroy any of said animals, on any of the islands, in the State of Washington, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) or more than one hundred dollars.

Hunting deer  
with dogs, on  
islands,  
unlawful.

SEC. 6. Any person who shall, within the State of Washington, at any time offer for sale or for market, or sell or barter for, or exchange, any deer, moose, elk, caribou, mountain sheep or mountain goat species, or any of the various kinds of quail, Chinese or Mongolian pheasants, grouse, native pheasant, ptarmigan, prairie chicken, partridge, sage hen, or any wild duck, goose, swan, brant, sand hill crane, rail or plover, or any other game bird shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That during the month of November, in any year, wild ducks, geese and brant may be sold to the number permitted by law to be killed in any one day: *Provided further*, That nothing in this act or section shall be construed to prevent the sale of the hides of deer, moose, elk, caribou, mountain sheep or mountain goat species killed at or within the times when it is lawful to kill the same, and which have been killed in a lawful manner.

Unlawful to  
sell game  
animals or  
birds.

Exception as  
to ducks, in  
November.

SEC. 7. That after the passage of this act and until October 1, 1915, it shall be unlawful to hunt, pursue, capture or kill any of the elk (*cervus alces*, or *cervus condensis*) within the State of Washington. After 1915 it shall be unlawful to hunt, pursue, capture or kill any of the elk

Unlawful to  
kill elk  
until 1915.

*(cervus alces, or cervus canadensis)* within the State of Washington between the first day of November of any year and the fifteenth day of September of the following year. No person shall within the State of Washington during the season when it is lawful to kill the same, kill more than one of the male elk (*cervus alces* or *cervus canadensis*). Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or be imprisoned in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Unlawful to hunt water fowl in certain counties.

SEC. 8. It shall be unlawful to hunt, pursue, catch or kill any of the geese, brant or other water fowl upon the Columbia or Snake rivers within this State, or within one half mile of its shore throughout the following named counties: Klickitat, Walla Walla, Franklin, Yakima, Kittitas, Douglas, Columbia, Garfield and Whitman counties.

Unlawful to trap game or song birds, or game animals.

SEC. 9. Every person who shall, within this State, at any time, trap, net or ensnare, or attempt to trap, net or ensnare any quail or bob white, prairie chicken, grouse, pheasant, partridge, sage hen, ptarmigan or wild pigeon, geese, duck, brant or other water fowl, or any of the song birds, or any deer, moose, elk, caribou, antelope, mountain sheep or any other game bird or game animal or any protected game bird or song bird or game animal under the laws of the State of Washington or have in his possession any live quail, or bob white, prairie chicken, grouse, pheasant, wild pigeon, partridge, sage hen or ptarmigan, geese, duck, brant or other water fowl, or any deer, moose, elk, caribou, antelope, mountain sheep or any other game bird or game animal or any protected game bird or game animal under the laws of the State of Washington except for the purpose of propagation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

Imported pheasants.

SEC. 10. It shall be lawful to hunt and kill any of the male birds of the oriental, golden, silver, ring necked, copper bronze, Chinese or Mongolian pheasants between the fifteenth day of October and the first day of January in any

year: *Provided*, That this section shall not apply to counties lying east of the summit of the Cascade range.

SEC. 11. It shall be unlawful to hunt, take or kill in this State any wild goose or brant between the first day of May and the first day of September in any year. <sup>Wild geese and brant.</sup>

SEC. 12. It shall be lawful within the time herein when any goose, duck or brant may be killed, to hunt or pursue them from any blind or obstruction: *Provided*, That this shall not be construed to include sneak boats. <sup>"Blinds" prohibited.</sup>

SEC. 13. That any one violating any of the provisions of this act for which a penalty is not hereinbefore provided, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) or imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment. <sup>Penalty.</sup>

SEC. 14. For the purpose of carrying out the provisions of this act the sum of five thousand dollars (\$5000) or so much thereof as may be necessary is hereby appropriated out of the "game protection and propagation fund" of the State. <sup>Appropriation.</sup>

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

## CHAPTER 173.

(H. B. No. 287)

### PROVIDING FOR PAYMENT TO LESSEES OF TIDE LANDS FOR IMPROVEMENTS THEREON.

AN ACT providing for the payment to lessees of tide lands belonging to the State by subsequent lessees or purchasers from the State, of all improvements placed upon such tide lands, including the cost of filling in and raising such tide lands above high tide, and all assessments for local improvements levied against the same.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Should any present or future lessee of tide lands of the State of Washington, or any owner or holder <sup>Duty of board of state land commissioners.</sup>

of such leases, fail to exercise the preference right of purchase from the State, of the tide lands covered by any lease within the time prescribed by any existing law, or any law which may hereafter be enacted, then and in that event, the Board of State Land Commissioners shall appraise and determine the value of all improvements then existing upon such property, including the cost of filling and raising said property above high tide, whether filled in or raised above high tide, by such lessee or owner of such lease, or by virtue of any contract made with the State of Washington, and also including the then value to the land of all existing local improvements, paid for by such lessee or owner of such lease.

Re-lease or  
sale, to other  
parties.

SEC. 2. Should such tide lands be re-let or sold to any person, persons or corporation other than such lessee or owner of such lease, the bid of such subsequent lessee or purchaser shall not be accepted until the payment by such subsequent lessee or purchaser to the owner of such former lease, the appraised and fixed value of such improvements aforesaid, as determined by said Board of State Land Commissioners, or as may be determined upon appeal, and said board is authorized to compel by subpoena the attendance, swear and examine witnesses to such values.

Appeals.

SEC. 3. Should the owner and holder of such lease be dissatisfied with the appraised value of such improvements as fixed or determined by said Board of State Land Commissioners, he or it may appeal to the superior court of the county wherein said property is located, within the time and according to the mode prescribed by law relating to appeals, from the Board of State Land Commissioners to the superior court.

Repeal.

SEC. 4. All laws or parts of laws in conflict herewith are hereby repealed.

Passed the House March 3, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

## CHAPTER 174.

(H. Sub. B. No. 25)

## CREATING THE OFFICE OF HIGHWAY COMMISSIONER.

AN ACT creating the office of and providing for the appointment of a highway commissioner and state highway board, and for the survey, establishment and repair of certain State highways, providing for the expenditure by the county commissioners of the counties through which portions of the said highways run, all moneys for the improvement of such highways, making an appropriation therefor, and repealing sections one, two, three, four, five, six and eight of an act entitled, "An act providing for the survey, establishment and repair of certain State highways and making an appropriation therefor," passed by the House of Representatives March 11, 1903, and by the Senate March 12, 1903, vetoed by the Governor and passed notwithstanding the veto of the Governor by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby created the office of highway commissioner and a state highway board. The said highway commissioner shall be appointed by the governor <sup>Governor to appoint.</sup> and shall hold his office for two years unless sooner removed for cause; said commissioner shall be a capable and experienced civil engineer and surveyor and shall receive an annual compensation of \$2,500 a year, and shall be allowed <sup>Salary.</sup> his actual traveling expenses while officially employed not to exceed \$1,000 in any one year, and shall be allowed his office expenses not to exceed \$1,500 in any one year; he shall take oath of office and shall give a bond in the sum <sup>Bond.</sup> of \$5,000 conditioned for the faithful performance of his duties; the said state highway board shall be composed of the state auditor, the state treasurer and the state highway commissioner.

SEC. 2. The commissioner shall be furnished with a suitable office in the capitol building in connection with the state land commissioner where his records shall be preserved, and which said office shall be kept open at such times <sup>Office with land commissioner.</sup> as the business of the commissioner shall require. He shall

Records.

keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications and estimates submitted to him. The commissioner shall prepare and submit, ninety days before the session of each Legislature of the State of Washington, a report of the work constructed or under construction and shall make recommendation as to the needed State highways together with the estimated cost of such needed highways.

Report to legislature.

Apportionment of amount appropriated.

SEC. 3. Immediately upon the appointment of said commissioner said highway board shall decide what portion of the amount appropriated for each of the roads described in an act entitled, "An act providing for the survey, establishment and repairs of certain State highways, and making an appropriation therefor," passed by the House of Representatives on March 11, 1903, and by the Senate on March 12, 1903, which said act was vetoed by the governor March 21, 1903, and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905, shall be expended within the boundaries of the several counties through which it is proposed to pass and shall so notify the county commissioners of the several counties.

Survey by county commissioners.

SEC. 4. Upon receipt of said notice the county commissioners of each of the said counties shall, unless such highway has been theretofore surveyed, direct a survey to be made of the entire length of said highway in said county, and they shall have the same mapped, both in outline and in profile and shall also have plans and specifications prepared for the construction of the repair of said highway. Such maps, plans and specifications shall be thereupon submitted to the highway commissioner and no portion of the appropriation hereinafter made shall be expended upon said road until the said highway board shall have declared said road feasible and the highway commissioner shall have approved said outline and profile maps and said plans and specifications for the entire length of said road in said county; nor until the county commissioners of said county secure the dedication or condemnation of such right-of-way for said highway the highway board shall designate, and shall upon all State roads and highways for which appropriations have heretofore been made and for which appropriations may hereafter or herein be made, provide for the

expenditure upon said road within said county from the county funds of a sum equal to one-half the amount of the said appropriations to be expended by the State, exclusive of expenses incurred in connection with the survey, the preparation of maps, plans and specifications and the supervision and inspection of said highway; it being the intention of this act that the entire amount appropriated for the highways and an amount equal to one-half of each appropriation shall be expended in actual construction work under contract on said road.

SEC. 5. Upon the approval of the above mentioned maps, plans and specifications, it shall be the duty of said county commissioners to call for bids for the construction of said highway or such sections thereof as the highway board shall designate, according to maps, plans and specifications heretofore mentioned. Calls for said bids shall be made by publication in the official county paper, and also in some daily paper of general circulation in the state to be designated by the said highway commissioner, for not less than three consecutive weeks prior to the time set by the said commissioners for the opening of said bids. The said highway commissioner shall meet with the said county commissioners on the occasion of the opening of said bids and no contract entered into for the construction of said road shall be binding upon the State without the approval of said commissioner. The said highway commissioner or the county commissioners shall have the right to reject any and all bids if in their opinion good cause exists therefor, but otherwise shall award the contract to the lowest bidder. The highway commissioner shall require a bond from the successful bidder in the full amount of the contract conditioned for the faithful performance of the contract according to law. Each bidder shall deposit with his bid a certified check in an amount equal to ten per centum of the amount of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract and furnish the bond hereinbefore provided within five days after the notice of such award, the amount of such check shall be forfeited to the road and bridge fund of said county.

Bids for construction—  
how called,  
let, etc.

Bond of  
successful  
bidder.

SEC. 6. The respective boards of county commissioners shall examine and allow or disallow all bids and shall certify all claims to the highway commissioner who shall examine and approve or disapprove same, and certify all

Claims, allow-  
ance of.

claims to the state auditor, and the county auditor who upon receipt of same are hereby authorized to draw their several warrants on the state auditor for two-thirds the amount of, and the County Auditor for one-third of each claim so approved by the highway commissioner, and the state and county treasurers upon presentation are hereby respectively authorized to pay said warrants: *Provided*, That no indebtedness shall be incurred in the building or repair of any said above described roads.

Appropriation,  
for salaries  
and expenses.

SEC. 7. For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of ten thousand dollars for salary and expenses of said highway commissioner as herein provided; this appropriation shall be in lieu of the appropriation provided for salary and expenses for said highway commissioner provided for in section seven of the act entitled, "An act providing and making the appropriations therefor," passed by the House of Representatives March 11, 1903, and by the Senate March 12, 1903, and which said act was vetoed by the governor March 21, 1903, and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905.

County to  
keep road in  
repair.

SEC. 8. After the completion of all roads constructed or repaired by the State under this act it shall become the duty of the boards of county commissioners of the respective counties in which said road or any portion thereof extends to keep the same within the boundaries of their respective Counties in repair at the cost of said County.

counties in repair at the cost of said county.

SEC. 9. Sections one, two, three, four, five, six and eight of an act entitled, "An act providing for the survey, establishment and repairs of certain State highways and making an appropriation therefor," passed by the House of Representatives March 11, 1903, by the Senate March 12, 1903, vetoed by the governor and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905, be and the same are hereby repealed.

Repeal.

SEC. 10. There shall be laid out, surveyed, established, constructed and maintained for the use of the public and State a wagon road in the manner provided in this act, be-



ginning at Marble Mount, Skagit County, Washington, running thence in a northeasterly direction up the Skagit river or by the most feasible and practicable route to make connection with the present wagon road near the mouth of Mill Creek in Whatcom County, Washington.

SEC. 11. For the purpose of carrying into effect the provisions of this act for the survey, establishment, construction and maintenance of the said road from Marble Mount to Mill creek as aforesaid, there is hereby appropriated out of the State highway fund the sum of twenty-four thousand dollars, or so much thereof as shall be necessary to be expended upon said road.

SEC. 12. There shall be laid out, surveyed, established, created and maintained for the use of the public and State, a wagon road in the manner provided in this act; beginning at a point on the west bank near the mouth of the Methow river, in Okanogan County, Washington, thence up the Methow river valley, following as nearly as practicable the county road near the Methow river to Winthrop, thence up the south fork of the Methow river valley and over the summit of the mountain, the most practicable route to Barron, in the County of Whatcom, Washington. And for the purpose of carrying into effect the provisions of this act for the survey, establishment, construction and maintenance of said road there is hereby appropriated out of the State highway fund the sum of ten thousand dollars (\$10,000): *Provided further*, That the construction of said highway shall begin at a point on the west bank near the mouth of the Methow river and continue as described in this section.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

## CHAPTER 175.

(S. B. No. 114)

AMENDING ACT OF 1895, RELATIVE TO ESTABLISHMENT  
AND MAINTENANCE OF DRAINAGE DISTRICTS.

AN ACT to amend Sections 3, 9 and 24 of an act entitled, "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, the same being Sections 3717, 3723 and 3738 of Volume I of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That Section 3 of an act of the Legislature approved March 20, 1895, entitled "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," the same being Section 3717 of Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as follows: Section 3717. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such County, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and

3717 Bal-  
linger.

Petition.

define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries, and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; *Extension of boundaries.* setting forth in said petition the reasons therefor: *Provided, however*, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided further*, That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any drainage district heretofore or hereafter established may be extended by the board of county commissioners so as to include other lands in said county upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain with reference to the extension such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original drainage district: *Provided further*, That all necessary expense incident to *Expenses of extension.* making such extension, together with a proportionate share of the first cost of any drainage system existing in the original district at the time of making such extension, shall

be levied against and apportioned to the lands included in such extension, as in this act provided. In such case the board of county commissioners shall give the like notice as provided for in this Section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county Commissioners deem it advisable, and to the best interest of all concerned, they may grant the prayer of such petitioner or petitioners in whole or in part. No district shall be established unless it is shown that a good and sufficient outlet for the drainage thereof is within the boundaries of such district. And said board of county commissioners of such county shall enter and order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard on the final hearing thereof: *And provided further*, That any drainage system constructed in the original drainage district may be extended into the said extension by the board of drainage commissioners of said drainage district, in the same manner, and by the same method of procedure as is provided by law for the construction of said drainage system within the said original drainage district.

Original  
system may  
be extended.

SEC. 2. That Section 9 of said act, the same being Section 3723 of Ballinger's Annotated Codes and Statutes aforesaid, be and the same is hereby amended to read as follows: Section 3723. Whenever it is desired to prosecute the construction of a system of drainage within said district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route and termini of said system, with a complete description thereof, together with specifications for its construction, with all necessary plats and plans thereof, with draughts of any artificial appliances or equipment necessary in aid thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvement, and that the same will be conducive to

Petition—  
what to set  
forth.

the public health, convenience and welfare, and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth the names of the land owners through whose land the right-of-way is desired for said improvement; the amount of land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right-of-way, and the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement. Such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right-of-way is sought, to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain all of said lands described in said petition, and that all lands sought to be appropriated for said right-of-way are necessary to be used as a right-of-way in the construction and maintenance of said improvement; and when the proposed improvement will protect or benefit the whole or any part of any public or corporate road or railroad, so that the traveled track or roadbed thereof will be improved by its construction, such fact shall be set forth in said petition, and such public or private corporations owning said road or railroad shall be made parties defendant therein, and the maximum amount of benefits to be derived from said proposed improvement shall be estimated in said petition against said road or railroad: *Provided, however,* That all maps, plats, field notes, surveys, plans, specifications, Maps, plats. or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this act, may be used under the provisions of this act.

SEC. 3. Section 24 of said act, being Section 3738 of Ballinger's Annotated Codes and Statutes aforesaid, be and the same is hereby amended to read as follows: Section 3738. The board of commissioners of any drainage district organized under the provisions of this act shall, on or before the first day of November of each year, make an estimate of the cost of maintenance of the drainage system constructed

Cost of main-  
tenance, how  
estimated.

in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located on or before said date, and the amount thereof shall be levied against and apportioned to the lands in such district benefited by said improvement, in proportion to, and upon the basis of the value of such lands as fixed by the last preceding equalized assessment roll of said County, and said amount shall be added to the general taxes against said lands, and collected therewith.

Elections—  
when held—  
eligibility of  
voters.

SEC. 4. Section 5 of said act being Section 3719 of Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Washington, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the limits of such district, as established by the board of county commissioners, for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat, and if, upon such canvass, it appears that a majority of the votes cast are for drainage district, "Yes," the board shall have an order entered upon their minutes and declare such territory duly organized as a drainage district under the name and style of drainage district No. . . . . (here insert number) of (here insert name of county) of the State of Washington, and shall declare the three persons receiving respectively the highest number of votes to be duly elected as a board of commissioners of such drainage dis-

Copy of order  
to be filed  
with secretary  
of state.

trict. Said board shall cause a copy of said order, duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing such organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter immediately upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Washington for the benefit of said drainage

Bond.

district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, and shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election, shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by <sup>Approval of</sup> the judge of the superior court of the county in which said district is located, and shall be filed in said court. <sup>bond.</sup>

SEC. 5. An emergency exists and this act shall take effect <sup>Emergency.</sup> immediately.

Passed the House February 20, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

## CHAPTER 176.

(H. B. No. 168)

### AMENDING ACT RELATIVE TO FRUIT GROWING AND HORTICULTURE.

AN ACT to amend sections four, five, six, seven, eight, twelve, fourteen and fifteen of an act entitled, "An act to promote the fruitgrowing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture; to repeal certain laws in conflict therewith, and to provide penalties and punishment for its violation, making an appropriation therefor.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section four of said act be amended to read as follows: Section 4. Fruit culturists in any county in this State are hereby authorized and empowered to orga- <sup>Societies, how</sup> <sup>organized.</sup> nize into a horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate three qualified persons for county inspector of fruits, fruit trees, orchards, plants, boxes, barrels

Examinations  
for position  
of inspector.

Compensation.

Removal  
from office.

Monthly  
report.

and other packages in which fruits or fruit trees have been shipped. The nomination shall be made to the board of commissioners (of the county wherein said society is organized), who are hereby authorized and required to appoint such person as county fruit inspector for a term of two years, deliver to him a certificate of appointment, and mail a duplicate copy of said certificate to the commissioner of horticulture: *Provided however,* That county inspectors shall be required to pass a satisfactory examination before the state horticultural commissioner, or the faculty of the agricultural college before they are authorized to perform the duties of their office. In counties where no horticultural society exists, the county commissioners shall select and appoint a suitable person to act as county inspector, and report their action to the commissioner of horticulture for confirmation. All county fruit inspectors shall be entitled to such pay for their services as the board of county commissioners of the county in which their work was performed may direct. Any county inspector shall be removed by the commissioner of horticulture for incompetency, neglect of duty, or other sufficient cause, upon complaint filed with him signed by the proper officers of the horticultural society in the county in which such inspector is sought to be removed: *Provided,* That no such removal shall be made without giving such inspector a hearing and ten days' notice of the time and place thereof, such hearing to be had before the commissioner of horticulture. In order to furnish to the office of the commissioner of horticulture information regarding the condition of orchards throughout the State, and to determine the compensation of such county inspectors, they shall make monthly reports to the commissioner of horticulture under oath upon blanks furnished by said commissioner. All county fruit inspectors shall make a monthly report to the county commissioners of their county, setting forth the number of days' work performed and character thereof, and make oath to the correctness of such statement and furnish necessary vouchers upon which the county commissioners shall determine the accuracy of their accounts; such monthly report and rendition of account shall be sworn to by the county inspector before the clerk of the county court. Any county inspector who shall in said report under oath falsely state the number of days' work he has actually performed in any month, shall be deemed guilty of perjury



and upon conviction thereof shall be liable to the penalty provided by law therefor.

SEC. 2. That section five of said act be amended to read as follows: Section 5. No person, firm, corporation or tree dealer shall engage or continue in the business of selling as agent, solicitor or otherwise within the State or importing fruit trees, plants or nursery stock into the State without first having obtained a license to carry on such business in this State, as in this act provided. License to sell trees, etc.

SEC. 3. That section six of said act be amended to read as follows: Section 6. Any person, firm, corporation or tree dealer, agent or solicitor may obtain a license to engage or continue in the business of selling and importing fruit trees, plants or nursery stock into this State, by submitting his application therefor, to the commissioner of horticulture, together with a satisfactory bond of one thousand dollars made in conformity with the laws of the State of Washington. All bonds submitted shall be made in conformity with the laws of the State of Washington, such bond to be approved by and filed with the said commissioner, conditioned that the principal and his or their agents will faithfully obey the provisions of this act, the laws of the State of Washington, and that the said principal pays the costs of inspection and destruction of all infected nursery stock or other material or goods imported into and sold within such district of this State by the said principal, his or their agent. Any person or persons shall have legal recourse against the bond for any damages accruing from the sale of or delivery of infected nursery stock. All licenses issued by the commissioner of horticulture shall bear the name of the solicitor, agent or salesman and shall not be transferable. Any solicitor or agent falsely representing any nursery, firm, corporation or tree dealer shall be deemed guilty of a misdemeanor and subject to a fine of not less than fifty nor more than one hundred dollars, and such conviction shall *ipso facto* work a forfeiture of his license. Any license granted to any person, firm, corporation or tree dealer shall be suspended in its operation by the commissioner of horticulture upon the report of the inspector that said person, firm, corporation or tree dealer has introduced infected stock into the State of Washington, and if upon examination by the commissioner such report of the inspector shall be found to be supported by facts, such license shall at once be revoked. The License and bond. Recourse for damages against bond. Suspension of license.

license fee for nurserymen and tree dealers shall be five dollars, and for their agents or salesmen who shall be furnished an authentic copy, two dollars and fifty cents. Said money shall be collected by the state horticultural commissioner and paid to the treasurer of the State of Washington. All licenses shall expire on the first day of April, 1905, and on the first day of April every second year thereafter.

**Fees.**  
**Notice of**  
**invoicing—**  
**what to show.**

SEC. 4. That section seven of said act be amended to read as follows: Section 7. It shall be the duty of every person, firm, corporation or tree dealer licensed to do business under this act, to notify the horticultural commissioner of his intention to ship an invoice of fruit trees, plants or nursery stock from one point to another within the State, or to import an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use. Such notice shall contain the name and address of both consignor and consignee, and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from which the consignees received such goods. A copy of such notice shall also be mailed to the county fruit inspector in the county in which the point of destination is located. Such notices shall be mailed not later than the date of such shipment. Upon receipt at destination of any invoice of fruit trees, plants or nursery stock, it shall be the duty of the freight agent, express agent, or other transportation company's employee having such invoice of fruit trees, plants or nursery stock in charge to notify the county fruit inspector within whose jurisdiction said invoice is received of the receipt of said invoice, naming consignor and consignee and that said invoice is ready for inspection, notification to be by telegraph or telephone, and to hold said invoice for inspection by the county fruit inspector before delivering said invoice of fruit trees, plants or nursery stock to the consignee; excepting, that said invoice need not be held more than twenty-four hours after notification is made to the county fruit inspector. The said inspection not to be made by the county fruit inspector until the freight, express or other transportation charges are paid, unless the freight agent, express agent, or other transportation company's employee in charge of said invoice consents to said inspection being made before said charges are paid.

**Inspection.**

SEC. 5. That section eight of said act be amended to read as follows: Section 8. Any person, firm, corporation or tree dealer who shall sell within this State, or import into this State, any fruit, scions, fruit trees, plants or nursery stock in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense in any sum not less than fifty nor more than one hundred dollars.

Penalty for violation.

SEC. 6. That section twelve of said act be amended to read as follows: Section 12. Whenever from any cause there shall be an absence of an inspector in any county, the county commissioners of such county shall be notified by the commissioner of horticulture to appoint a county fruit inspector. And in case of their failure to do so, the commissioner of horticulture shall have power to order an inspector from an adjoining county in his district to perform the duties required by this act in the county needing the services of such inspector, and the expense of such inspection shall be chargeable to and paid for by the county in which the said services are rendered in the manner hereinbefore provided. Whenever any county fruit inspector requires assistance in the discharge of his duties, he shall make written application to the county commissioners for the temporary appointment of an assistant, stating the length of time for which such assistant will be required, and all appointments of such assistant shall be left discretionary to the board of county commissioners. Assistant county inspectors shall have the same powers to perform the same duties as county inspectors, and such assistant shall be entitled to the same compensation, and to be paid in the same manner as county inspectors.

Procedure, during inspector's absence.

Assistance for inspector.

SEC. 7. That section fourteen of said act be amended to read as follows: Section 14. Any person or persons who shall bring into the State, have in their possession or offer for sale or distribute or give away fruit trees, shrubs, fruit or other material infested with any kind of insect pest injurious to fruit, fruit trees or plants, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted may be punished by a fine of not less than two hundred dollars nor

Inspection of infected shrubs.

more than eight hundred dollars, or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grass, cuttings, or scions infected with insect pests, spores or fungus growths, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than fifteen days nor more than thirty days. A repetition of the offense shall subject the offender to increased penalty not over the maximum above stated. Any nursery trees, shrubs or plants which have been shipped from and to any place within the State for distribution or for planting, and which are infected with any injurious insect, larvae or fungus growth, shall be disinfected under the direction of the inspector of the county where such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles and shall be a lien on such trees, shrub or plants until paid, and the person in possession of such articles being held subject to lien shall have a legitimate claim against the party from whom he received the articles for reimbursement of costs, including costs of collection, and shall have recourse against the party from whom he received the articles for reimbursement of costs, including cost of collection, and shall have recourse against the bond of the person furnishing the articles, and such claim may be enforced in any court of competent jurisdiction of the State. That any agent, tree dealer or salesman who shall solicit orders for fruit trees and nursery stock shall leave with the person giving such order, a duplicate of the same, and attach thereto a certificate to be signed by such salesman or agent, naming the nursery from which such nursery stock will be supplied and its location.

SEC. 8. That section fifteen of said act be amended to read as follows: Section 15. The county fruit inspector shall, in the performance of his duties as such inspector, have on any day except Sunday, free access to orchards, nurseries, gardens, hop fields, packing houses, fruit sheds and store rooms where fruit may be kept; fruit boxes full or empty, or any other material or place suspected of being infected with insect pests or disease injurious to the fruit interest of the State. If he find any nursery, orchard, garden or other place or material infected with insects or fungus

Lien.  
Access to  
orchards, etc.

growth, larvae or spores injurious to the fruit interests, he shall forthwith notify in writing, the owners, occupants or persons in possession thereof that the same is infected, prohibit their removal and direct the manner in which the same shall be disinfected, if the owner, occupant or person in possession of said orchard, garden, store room, fruit stand or other place or infected material shall not within ten days disinfect the same in the manner by the county inspector provided, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infected be an orchard, or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof have neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid; then the county inspector shall enter on and disinfect part or all of said premises so neglected, and the cost thereof shall be a legitimate <sup>Costs to be a lien.</sup> [legitimate] charge and lien with interest until paid upon the real property of the owner of such premises so disinfected; such lien shall be collectable with costs, in suit in any of the courts of the State as other lawful claims are collectable. If the infected property be transportable material, the county inspector shall notify the person in charge thereof not to remove the same and to disinfect the same within twenty-four hours, and describe the manner of disinfection. If the person in charge of said infected material neglect or refuse to disinfect the same as notified, or fail to appeal, then the inspector shall destroy such infected material or fruits, fruit boxes, baskets, wrappings, portable fruit stands, by burning the same. If an appeal be taken the In- <sup>Appeal.</sup> spector shall after twenty-four hours notice take immediate possession of such movable property, and safely keep them until the appeal be decided. If the decision of the commissioners be in favor of the appellant, the property shall be returned to him; on an adverse decision the property must be destroyed by the inspector. All appeals from the action or demand of the county inspector shall be taken to the state commissioner of horticulture. That no county fruit inspector shall act as solicitor or agent for the sale or distribution of any nursery stock, supplies or machinery for use in orchards, nor engage in the purchase or marking of fruit from any orchard save his own. When satisfactory evidence that any county fruit inspector has violated the provisions

Inspectors not to solicit sales of trees, etc.

of this section, the horticultural commissioner shall remove such inspector and report the removal to the county commissioners of his (the inspector's) county.

**Appropriation.** SEC. 9. There is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, the sum of thirteen hundred dollars for the purpose of defraying the expenses of printing the minutes of the state horticultural association, and for the expense of its secretary, and to maintain an exhibit, and pay freight and express charges, upon fruits and exhibits sent to said commissioners of horticulture.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

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## CHAPTER 177.

(H. B. No. 272)

### FOR THE REGULATION AND LICENSING OF PEDDLERS AND VENDORS OF MERCHANDISE.

AN ACT relating to peddlers and vendors of merchandise, providing for licensing the same and prescribing a penalty for violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That every person, firm or corporation who peddles out, or, after shipment to the State, canvasses and sells by sample to users or consumers, clocks, agricultural implements or machinery, stoves, ranges, windmills, lightening rods, wagons, buggies, carriages, surreys, and other similar vehicles, washing machines, sewing machines, churns, or groceries shall pay in advance a license tax of two hundred dollars (\$200.00) for each calendar year, or portion thereof, to be paid in each county in which said occupation is pursued.

**License.** SEC. 2. Such license mentioned in Section 1 of this act shall be paid to the county auditor of the county in which such business or occupation is to be pursued or conducted.

And such county auditor shall thereupon issue to such person a license under his official seal which shall permit such licensee to pursue and conduct such business in such county, for such calendar year or any unexpired portion thereof.

SEC. 3. Any person violating any of the provisions of **Penalty.** this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall, for each offense, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for a period of not more than thirty days or by both such fine and imprisonment.

Passed the House March 3, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 14, 1905.

## CHAPTER 178.

(H. Sub. B. No. 22)

### REGULATING LIFE INSURANCE COMPANIES.

AN ACT regulating life insurance companies, forbidding the payment of rebates, or the payment of commissions to other than authorized agents.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. No life insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or any agent thereof make any contract of insurance, or agreement as to such contract, other than as plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow as inducement to insurance, any rebate of premiums payable **Discrimination not permissible.** **Rebate—when prohibited.**

on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon; or any valuable consideration or inducement not specified in the policy contract of insurance.

SEC. 2. Every corporation violating any of the provisions of this act shall be fined in any sum not exceeding five hundred dollars.

SEC. 3. Every officer or agent of any such corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months.

SEC. 4. Nothing in this act shall be construed as affecting fraternal associations or secret societies, which may insure the lives of their members only.

Repeal.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House March 6, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 14, 1905.

## CHAPTER 179.

(H. B. No. 340)

### PROHIBITING THE USE OF TRADE STAMPS, CHANCES, PRIZES, ETC., IN SALES OF MERCHANDISE.

AN ACT making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium gift, or that a stamp, trading stamp, coupon or other like device, entitling the holder to receive such a prize, premium or premium gift, or that the redemption of such a stamp, trading stamp, coupon or other like device, so given, is to be part of the transaction, or to sell or exchange any trading stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

*Be it enacted by the Legislature of the State of Washington:*

Conditions  
of sale,  
enumerated.

SECTION 1. Whoever sells or exchanges any property or offers or attempts so to do upon a representation, advertisement, notice or inducement that anything unidentified by or



unselected by the purchaser at or before the time of the sale or exchange or upon a representation, advertisement, notice or inducement that anything whose precise nature is not known to the purchaser at the time of the sale or exchange as to be completely identified beyond the necessity of any further or other selection or upon a representation, notice, advertisement, or inducement that any property whose selection will depend upon chance or hazard in any manner whatsoever is or is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium gift; or whoever sells or exchanges any property or offers or attempts so to do upon a representation, advertisement, notice or inducement that a stamp, trading stamp, coupon or other device which entitles the purchaser to demand or receive either from the vendor or from any other person, company, association or corporation any other property unselected by or unidentified by the purchaser at or before the time of the said sale or exchange, or which entitles the purchaser to demand or receive either from the vendor or from any other person, corporation, association or company any property whose selection will depend upon chance or hazard or in any manner whatsoever, is to be delivered or recieved or is in any way connected with or is a part of the transaction as a prize, premium or premium gift; or whoever sells or exchanges any trading stamp, stamp, coupon or other like device upon a contract to enable the person to sell or exchange property, or attempt so to do, upon any representation, advertisement, notice or inducement of any kind hereinbefore mentioned; or whoever delivers any goods, wares or merchandise upon the representation of any such stamp, coupon or other like device so given or caused to be given shall for each offense be guilty of a misdemeanor and be punishable by a fine of not less than \$20.00 or more than \$500, or imprisonment in a county jail for not less than ten days, nor more than six months, or by both; *Provided however*, that the provisions of this act shall not apply or extend in any manner to the redemption of any such stamp, trading stamp, coupon, or other like device that may have been issued as a premium, prize or premium-gift prior to the time this act takes effect; *And, provided further*, That the provisions of this act shall not apply or extend to any sale or exchange of articles in bulk, heap or mass, or a part or portion thereof; which sale

Penalty for violation.

Exception.

Not applicable to bulk shipments or due bills, nor charitable purposes.

or exchange is not made, effected or induced by or upon any representation, advertisement, notice or inducement of any kind hereinbefore specified: *Provided further*, That this act shall not apply to any person giving a due bill on the sale of merchandise and redeeming the same himself in merchandise: *Provided further*, That this act shall not apply to agricultural or church fairs conducted for scientific or charitable purposes.

Passed by the House March 2, 1905.

Passed by the Senate March 8, 1905.

Approved by the Governor March 14, 1905.

## CHAPTER 180.

(S. B. No. 229)

### TO PREVENT FRAUDULENT SALE OF RAILWAY TICKETS TO TRAVELERS.

AN ACT entitled, "An act to prevent fraud upon travelers and prescribing where, how, and by whom railroad tickets shall be sold, and providing the terms upon which the redemption of the whole or any part of such tickets as may not have been used shall be made, and prescribing penalties for the violation of this act."

*Be it enacted by the Legislature of the State of Washington:*

Certificate to  
agent, from  
company.

SECTION 1. It shall be the duty of the owner or owners or person or persons operating any railroad to provide every agent who may be authorized to sell its tickets or other evidence of a right to travel upon any railroad with a certificate setting forth the authority of such agent to make such sale. Such certificate shall be duly attested by the corporate seal of the owner of such railroad or of the corporation operating the same, and by the signature of the manager, secretary or general passenger agent of said railroad.

Fixed place  
of business.

SEC. 2. Every agent, person, firm, or corporation engaged in selling, issuing or dealing in railroad passenger transportation in this State, must have a fixed place of business in the town or city wherein such agent, person, firm, or corporation transacts said business, and such agent, per-

son, firm or corporation is hereby required to keep the certificate mentioned in Section 1 of this act, posted in a conspicuous place in such place of business.

SEC. 3. It shall be unlawful for any person, firm, partnership, corporation or association of any kind who is not possessed of and has not posted the certificate of authority as prescribed in Sections 1 and 2 hereof, to sell or exchange or transfer or to offer for sale or exchange or transfer the whole or any part of any railroad ticket or pass or other evidence of a right to travel upon any railroad, whether the same be situated or operated or owned within or without the limits of this State. Posting of certificate, prior to sale.

SEC. 4. It shall be unlawful for any person, firm, partnership, corporation or association of any kind to set up, establish, maintain, conduct or operate within this State any office or other place of business for the sale or exchange or transfer of the whole or any part of any railroad tickets or passes or other evidence of a right to travel upon any railroad within or without the limits of this State unless such person, firm, partnership, corporation or association is possessed of and has posted the certificate of authority as prescribed in Sections 1 and 2 hereof. Fraudulent sales.

SEC. 5. In all prosecutions under Section 4 of this act, proof of the maintenance of any office or other place of business within this State upon or within or in connection with which is attached or displayed any sign bearing the words, "Railroad Ticket Office," or "Cut Rate Office," or "Railroad Tickets," or "Ticket Brokers," or any combination of such words or any other words intended or calculated to advertise to the public that the whole or any part of any railroad tickets or passes or other evidences of a right to travel upon any railroad are sold or exchanged or transferred therein without having posted within such office or place of business a certificate of authority as provided in Section 3 hereof, shall be sufficient evidence to establish a *prima facie* case against the owner, proprietor, employee or person in charge of said office or place of business. Prima facie evidence—what constitutes.

SEC. 6. Any person or persons violating any of the provisions of Sections 1, 2, 3 or 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county Penalty.

jail not less than ten nor more than sixty days, or by both such fine and imprisonment.

Redemption  
of tickets  
sold, in whole  
or in part.

SEC. 7. The owner or owners or person or persons operating any railroad in this State or any railroad doing business therein shall redeem, upon presentation by the lawful holder thereof to any of its ticket agents in this State, the whole or any part of any railroad ticket or other evidence of a right to travel upon his, its or their railroad which had been sold, within or without this State, by any such owner or owners or person or persons or any of his, its or their duly authorized agents, if, for any reason, such holder has not used the same, upon the following terms: If no part of such ticket has been used, it shall be redeemed at the full amount paid therefor; and where the ticket has been used in part only, the unused portion shall be redeemed at the remainder after deducting from the price paid for the whole ticket, the regular tariff rate between the points between which the portion of said ticket was used: *Provided*, Such ticket or part thereof is so presented for redemption within sixty days after the right to use said ticket has expired according to the terms thereof.

Penalty for  
failure to  
redeem ticket.

SEC. 8. If any owner or owners or person or persons operating any railroad mentioned in Section 7 of this act shall fail, neglect, or refuse to redeem, as provided in said Section 7, the whole or any part of any railroad ticket or other evidence of a right to travel upon his, its or their railroad, he, it, or they, shall, upon conviction thereof, be punished by a fine of not less than one hundred nor more than five hundred dollars, and he, it or they shall in an action instituted by the lawful holder of such railroad ticket or other evidence of a right to travel, be liable to such holder in a sum equal to treble the value thereof.

Passed the Senate March 7, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 14, 1905.

## MEMORIALS AND RESOLUTIONS.

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### SENATE JOINT MEMORIAL NO. 2.

*To the Honorable the Senate and House of Representatives  
of the United States in Congress assembled:*

Your memorialists, the members of the Ninth Legislative Session assembled of the State of Washington, hereby respectively call attention to the desire of the people of the State of Washington to have the south half of the Colville Indian Reservation thrown open, and to the further fact that there are now pending before Congress bills introduced by Senator Addison G. Foster and by Representative Wesley L. Jones.

Your memorialists respectfully endorse the provisions of these bills and urge that prompt and favorable action be taken thereon.

Your memorialists are particularly desirous that the aforesaid legislation be expedited and that the law be enacted throwing open the south half of the aforesaid reservation during the present session of Congress.

And your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House February 27, 1905.

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### SENATE JOINT MEMORIAL NO. 3.

*To the Honorable the Senate and House of Representatives  
of the United States in Congress assembled:*

Your memorialists, the members of the Ninth Legislative Session assembled of the State of Washington, hereby

respectfully call attention to the necessity for further improvement of the Pend d'Oreille river in the State of Washington, in order to meet the urgent demands of commerce. While the Government has rendered aid on behalf of the improvement of this river, it is now necessary in order to properly facilitate commerce that further improvements be made, and that further appropriation be provided without delay.

Wherefore, your memorialists pray that the Congress of the United States take such necessary action as will insure the prompt improvement of the Pend d'Oreille river to meet the demands of commerce and shipping.

And your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House March 4, 1905.

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#### SENATE JOINT MEMORIAL NO. 4.

*To the Honorable the Senate and House of Representatives  
of the United States in Congress assembled:*

Your memorialists, the members of the Ninth Legislative Session assembled of the State of Washington, hereby respectfully call attention to the fact that about seven thousand acres of irrigable lands lie along the east bank of the Columbia river in Stevens County, from the mouth of the Colville river south to the Ward flats.

That an examination of this land has recently been made under the direction of the United States Government with a view to determining the feasibility of the proper irrigation of the same, and that a favorable report has been made upon the same.

And, whereas, the above irrigation project is greatly desired and is entirely feasible, your memorialists urge that such further examinations or surveys as may be deemed necessary or advisable, be undertaken under the direction of the proper department at the earliest possible date.

And your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House March 4, 1905.

## SENATE JOINT MEMORIAL NO. 5.

*To the Honorable the Senate and House of Representatives  
of the United States in Congress assembled:*

Your memorialists, the members of the Ninth Legislative Session assembled of the State of Washington, hereby respectfully call attention to the grave need of immediately improving the Columbia river between Wenatchee and Kettle Falls in the northeastern part of this State.

A large number of prosperous cities and towns have grown up along this branch of the river, and a very large number of homesteaders and settlers have established themselves in that part of the State. The land is productive and with adequate transportation facilities the entire section will be greatly benefited. At the present time products of the farms cannot be marketed to the best advantage owing to the lack of transportation facilities. By the expenditure of a comparatively small sum of money the river between Bridgeport and Kettle Falls should be opened to navigation by light draft flat bottom steamers.

Some years ago the government made an examination of the upper Columbia in the State of Washington with the view to making extensive improvements, but owing to changed conditions a much smaller sum of money would meet requirements at the present time.

We, therefore, urge the expenditure by Congress of sufficient funds to improve the river between Wenatchee and Kettle Falls so that flat bottom steamers will encounter no unreasonable difficulty in navigating said river.

We feel that the settlers who have gone into that part of the State and developed the country are entitled to government aid, in the matter of improvement of the upper Columbia.

Being mindful of the fact that a concurrent resolution directing the Secretary of War to make the necessary investigation of the cost of improving this river, and to report plans, if necessary, relative thereto, has been presented to the Senate of the United States by Senator A. G. Foster, and also being mindful of the fact that such resolution has

been passed by the Senate of the United States, and is now before the Lower House of Congress for further consideration, we respectfully urge that said resolution, should it be deemed necessary to make any further examination of the project by the Secretary of War, be passed without further delay, and that the investigation contemplated therein be expedited by the War Department.

Inasmuch as the War Department is in possession of the salient facts relative to the needed and desired improvement of the upper Columbia, your memorialists respectfully urge that an appropriation sufficient to begin the work of improving said river be made at once, and that any further investigation looking to additional improvements be ordered without delay.

Wherefore, your memorialists pray that the Congress of the United States take such necessary action as will insure the improvement of the Columbia river between Wenatchee and Kettle Falls to meet the demands of commerce and shipping.

And your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House February 27, 1905.

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#### SENATE JOINT MEMORIAL NO. 6.

*To the Honorable the Senate and House of Representatives  
of the United States:*

Your memorialists, the members of the Ninth Legislative Assembly of the State of Washington, most respectfully represent as follows:

Your attention is respectfully invited to the Okanogan irrigation project in the State of Washington, and to certain affidavits and statements heretofore made and forwarded to the Geological Survey urging the adoption of this project, and certifying to the fact that the land when under water is of sufficient value to warrant the construction of the project



at a cost of over forty to sixty and probably seventy-five dollars per acre for an adequate water privilege.

Your memorialists urge that the project be further investigated by the Geological Survey knowing that the soil is peculiarly adapted to the raising of all northern varieties of fruit including peaches, and will produce from three to four crops of alfalfa per annum. Melons, tomatoes, sweet potatoes and other crops that do not thrive in the colder sections all do remarkably well here. The climate is very little different from that of the Yakima and Wenatchee valleys where irrigation has been practiced with such remarkable success as to raise the value of lands in cultivation up to from \$200 to \$400 per acre.

Your memorialists further state that the major portion of the land coming under the said proposed irrigation project is, owing to the shallowness of the soil and gravel subsoil, wholly non-productive without irrigation, consequently land values without irrigation are practically nothing while the same soil and land with irrigation becomes abundantly productive in fruit, vegetables and alfalfa.

Apples, peaches, pears, cherries, plums, apricots, quince, etc., yield very heavily, in fact, the tendency is to fruit too heavily; the flavor and color being equal, if not superior to any other section of the country.

An average net income, even with total lack of transportation facilities, for the past six years, in orchards ranging from six to twelve years old, has been thirty-five dollars per acre, on present irrigated ranches.

Berries of all varieties, as well as grapes, yield splendid results. Different kinds of nut-bearing trees, such as English and Japanese walnuts, butternuts, black walnuts, almonds, etc., offer satisfactory results to the planter. English walnut trees ten years old produced this season fifty pounds per tree. The yield and quality of vegetables is everything that could be desired; melons and tomatoes are especially fine. Alfalfa grows luxuriantly, yielding from five to nine tons per acre; such lands will safely net ten per cent on a valuation of one hundred and fifty dollars per acre. Irrigated alfalfa rent readily for \$10.00 per acre, with twelve and one-half dollars to fifteen dollars per acre usually asked.

Your memorialists further state that the above statement of facts has been certified to and sworn to by representative

citizens of Okanogan County as shown in the data already forwarded direct by them to the Geological Survey.

Therefore, being mindful of the great value of these lands when furnished with water by means of an irrigation project such as is contemplated by the Geological Survey, your memorialists earnestly urge that the project be approved and that the further field examination be made and further, that the great value of the lands when irrigated be taken into consideration in connection with the cost of the project.

And your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House March 4, 1905.

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#### SENATE JOINT MEMORIAL NO. 7.

*To the Honorable Senate and House of Representatives in Congress assembled:*

Your memorialists, the Ninth Legislative Assembly of the State of Washington:

WHEREAS, The Legislative Assembly of the Territory of Washington, memorialized Congress by joint resolution, passed January 24th, 1857, and instructed therein their delegate in Congress to exert his influence to procure the passage of an act by Congress, granting to Sergeant Mathew Kelley, Privates William Houser, Mathew Roach, Jeremiah Sheridan, Frederick Bernaur, Hiram Smiley and Robert Williams, of Company "H," 4th Infantry, as a mark of commendation for their efficient aid in protecting the citizens who escaped the massacre at the Cascades, Washington Territory, on the 26-27 of March, 1856, and their gallant conduct in defending the block-house at that place against the combined attacks for three days, of several hundred Indians, the extra pay of two dollars per month, as was allowed during the Mexican war, to such non-commissioned officers and privates as received certificates of merit for distinguished services, and,

WHEREAS, Many valuable lives were saved by the successful stand made there and the recapture of the portage was also aided by this defense, and,

WHEREAS, Said delegate in Congress failed to exert his influence, as instructed by the said Legislative Assembly, to procure the passage of an act by Congress granting to each of the gallant men herein named a certificate of merit, for their gallantry and distinguished services, and,

WHEREAS, Said service received merited recognition in paragraph four of General Orders, No. 14, of 1857, of the Army, as follows, to-wit:

"HEADQUARTERS,  
NEW YORK, Nov. 13, 1857.

GENERAL ORDERS No. 14,

Paragraph four, in March, 1856.

Sergeant Kelley, Company "H" Fourth Infantry, with eight men gallantly defended a small block-house, and protected the public property at the Cascades, Washington Territory, for two days against a body of fifty Indians. He had one man, Private L. Rooney, killed and two privates, F. Bernaur and O. McManus wounded, the latter since dead of his wounds.

By command of Brevet Lieutenant General Scott.

IRVIN McDOWELL,

*Assistant Adjutant General."*

AND, WHEREAS, More than forty-eight years have passed, without granting any substantial recognition of the services of these courageous and patriotic soldiers, it in no wise lessens or changes the merited obligation on the part of the government toward said named gallant soldiers: Therefore, be it

*Resolved, By the Senate of the State of Washington, the House of Representatives concurring,* That our Senators and Representatives in Congress, be and they are hereby requested, to exert their influence to secure the passage by Congress of an act granting to Robert Williams, Sergeant of Ordnance, U. S. Army, retired, and his other comrades named herein, if surviving, a certificate of merit for distinguished services and heroic conduct on that memorable and historic occasion referred to by the Lieutenant General of the American Army, and that the Secretary of State, be and he is hereby directed to furnish a certified copy of this concurrent memorial to the President of the United States, President of the U. S. Senate, Speaker of the House of Representatives and to our Senators and Representatives in Congress, and your memorialists will ever pray.

Passed the Senate February 24, 1905.

Passed the House March 4, 1905.

## SENATE JOINT MEMORIAL NO. 8.

*To the Honorable the Secretary of the Interior of the United States:*

WHEREAS, The Olympic Forest Reserve in the State of Washington comprises a portion of the Olympic range of mountains traversed by the Dosewallips river, embracing a region with a grandeur of natural scenery unsurpassed in any other part of our country, but which is at present inaccessible to ordinary travel except for a distance of about fourteen miles up the river, and,

WHEREAS, A road or trail through said territory would open up a section of country at this time unexplored except by a few hardy prospectors, but which would undoubtedly be frequented by great numbers of tourists and pleasure seekers if a means of access were provided, and,

WHEREAS, Said region, in addition to its scenic beauties, is known to contain mineral deposits of value, notably gold, manganese, stone and slate, and such a road or trail would encourage exploration by prospectors, and in all probability result in the discovery and development of valuable mines, and

WHEREAS, There is now pending before the Secretary of the Interior of the United States an application by Walter F. Horner for the privilege of constructing a road or trail up the Dosewallips river, commencing  $7\frac{1}{2}$  miles west of Brinnon, in Jefferson County, Washington, on the Olympic Timber Reserve, and extending westward about fifty miles from tide water at Brinnon to the heart of the Olympic mountains, and

WHEREAS, From fourteen miles from tide water at Brinnon to the head of the Dosewallips river, a distance of about thirty-four miles, there is no merchantable timber; and

WHEREAS, Said Walter F. Horner is a veteran of the Spanish-American war, having served his country with honor and distinction in the Fourteenth Regiment of United States Infantry; now, therefore, be it

*Resolved*, That the Legislature of the State of Washington hereby respectfully memorializes the Secretary of the In-

terior of the United States to grant said application of said Walter F. Horner; and your memorialists will ever pray.

Passed the Senate March 3, 1905.

Passed the House March 9, 1905.

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### SENATE JOINT RESOLUTION NO. 1.

*Adopted by the Washington State Legislature, Session 1905.*

WHEREAS, President Theodore Roosevelt is making a praiseworthy effort to induce the National Congress to enlarge and strengthen the powers of the Inter-State Commerce Commission to the end that railroads and other common carriers may be brought under proper control, and

WHEREAS, The people of our State are in hearty sympathy with the efforts of the President, therefore,

*Resolved, by the Senate, the House concurring,* That we earnestly urge upon our Senators and Congressmen to assist President Roosevelt, in every legitimate way in bringing about the desired legislation.

*Resolved,* That a copy of these resolutions be mailed to Senators Foster and Ankeny, and Congressmen Jones, Cushman and Humphrey.

Passed the Senate January 16, 1905.

Passed the House January 18, 1905.

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### SENATE JOINT RESOLUTION NO. 2.

WHEREAS, The United States, in aid of the navigation of the Columbia river, has authorized the improvement of the Columbia river, between the foot of the Dalles rapids and the head of the Celilo Falls, by means of canals and the

improvement of the channel of said river, by an act of Congress, approved June 13, 1902.

WHEREAS, The board of engineers authorized by said act has recommended that no work should be begun until the right of way therefor and release from damages have been conveyed to the United States free of cost.

WHEREAS, The Legislative Assembly of the State of Oregon duly accepted said proposal and passed an act at a special session of said Assembly in 1903, appropriating the sum of \$100,000 and appointed a commission for the purpose of securing said right of way.

WHEREAS, The said commission by authority of said act has secured the said right of way as designated by the United States engineer in charge, and has expended therefor the said money so appropriated, and has by said authority tendered the said right of way to the Government of the United States.

WHEREAS, The rapids at said Celilo completely obstruct the navigation of said Columbia river at a point about 200 miles from its mouth, and the said canal when completed would open to navigation 300 miles more of one of the greatest rivers of the American Continent and afford a water way to the sea for a vast extent of fertile and productive territory, with incomparable resources in the States of Washington, Oregon and Idaho.

*Now, Therefore, Be it Resolved*, That it is the sense of the Legislature of the State of Washington, that the faith of the Government of the United States, upon which the State of Oregon has so relied, is pledged to the immediate inauguration of said movement.

*Resolved, by the Senate of the State of Washington and the House of Representatives thereof*, That the said improvement is of great National importance, and would tend to develop the commerce of an immense section of American territory.

*Resolved*, That this Legislature does hereby petition the Congress of the United States at its present session to make such an appropriation as will put into immediate operation the construction of said canal, and to authorize its completion under the continuing contract system.

*Resolved*, That the Secretary of State be directed to transmit at once by telegraph these resolutions to the Speaker

of the House of Representatives of the Congress of the United States and to notify by telegraph the Washington delegation in Congress of said transmission.

Passed the Senate January 18, 1905.

Passed the House January 19, 1905.

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### HOUSE MEMORIAL NO. 1.

State of Washington, Ninth Regular Session.

*To the Honorable the House of Representatives of the United States in Congress assembled:*

Your memorialists, the members of the Ninth Legislative Session assembled of the State of Washington, hereby respectfully call attention to the fact that there is a large growing and prosperous settlement both north and south of the Quinault Indian Reservation in the State of Washington, and that communication between the aforesaid sections of the State would suffer grave injury should the aforesaid reservation be included in the Olympic Forest Reserve and be set aside as an independent reserve.

All of the area included in the Quinault Indian Reservation is suitable for agricultural purposes when the timber is removed from portions now covered by the forest; that there is also a large area of bottom land particularly suitable for farming purposes. It is in the interest of the whole State, and of great importance particularly to the settlers along the Pacific Coast in the western part of the State, that all of the lands suitable for agricultural purposes be available for settlement and farming.

Your memorialists further desire to impress upon Congress the fact that it is deemed to be for the benefit of the whole State that lands which are suitable for agricultural purposes when the timber is removed, and which lands are at this time, and hereafter might become part of the public domain, should be thrown open to settlement under the prevailing land laws of the United States.

At this time approximately nineteen per cent of the total area of the State of Washington is included inside of forest reserves. The sum total of this vast area is now approximately eight million acres. The per cent of forest reserve areas in the State of Washington is nearly twice as large as that of other States in the Union, and your memorialists feel that this State has already contributed more than its share to the Forest Reserve, and that in no case hereafter should any lands suitable for agricultural purposes be included in this reserve.

In reports recently made by the Bureau of Forestry it was proposed to increase the reserved area by two million seven hundred eighty-two thousand and eighty acres. Up to a recent date nearly a million acres of this proposed increase has been recommended. Over three hundred thousand acres however were withdrawn from this proposed increase, and your memorialists view with grave concern any movement looking to the inclusion of additional areas which are suitable for agricultural purposes when the timber is removed. And inasmuch as the permanent reserves already created, together with the proposed increases aggregate approximately ten million acres, your memorialists urge that no further increase be made whereby lands suitable for agricultural purposes under any circumstances are included.

Therefore, being mindful of the fact that the aforesaid Quiniault Indian Reservation lands are suitable for agricultural purposes, your memorialists urge that the same be not included in the Olympic Forest Reserve, but that these lands be thrown open to settlement at as early a date as possible, after allotments have been made to Indians who are legally entitled to the same.

And your memorialists will ever pray.

Passed the House February 16, 1905.

Passed the Senate March 2, 1905.



## HOUSE JOINT MEMORIAL NO. 7.

*To the Honorable Senate and House of Representatives in Congress assembled:*

Your memorialists, the House of Representatives and the Senate of the State of Washington, respectfully represent that:

WHEREAS, It is of the greatest importance that the people of this State and that the people of the United States be brought nearer to each other in the exchange of their commodities; and,

WHEREAS, Great good will result to our State, from the systematic construction of good roads throughout the State as proposed by what is known as the National Good Roads Movement;

Therefore, your memorialists respectfully urge the Congress of the United States to early enact such laws as shall encourage the National Good Roads Movement, and that ample and sufficient appropriation be made therefor.

Passed the House March 4, 1905.

Passed the Senate March 9, 1905.

## AUTHENTICATION.

STATE OF WASHINGTON,  
OFFICE OF THE SECRETARY OF STATE.

I, SAM H. NICHOLS, Secretary of State of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the foregoing published laws, memorials and resolutions, passed by the Legislature of the State of Washington, at its ninth biennial session, from January 9th to March 9th, inclusive, in 1905, with the original enrolled laws, memorials and resolutions now on file in this office, and find the same to be full, true and correct copies of said originals, with the exception of such corrections in orthography and use of words, as indicated by the use of brackets, thus [ ], in each case, as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia, this thirty-first day of March, A. D., 1905.

SAM H. NICHOLS,  
*Secretary of State.*

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EXPLANATORY NOTE.

The Ninth Legislature convened on January 9th, 1905, at 12 o'clock noon (that being the second Monday) and adjourned *sine die* on March 9th, 1905, at 12 o'clock midnight. All laws passed by said session and approved by the Governor take effect in ninety days, or at 12 o'clock, midnight, on June 7th, 1905, except certain relief bills and those acts having an emergency clause.

SAM H. NICHOLS,  
*Secretary of State.*

## LIST OF ACTS

PASSED BY THE LEGISLATURE OF THE STATE OF WASHINGTON, AT THE  
NINTH SESSION THEREOF, FROM JANUARY 9, 1905, TO MARCH 9, 1905,  
INCLUSIVE.

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1	AN ACT appropriating the sum of eighty thousand dollars or so much thereof as may be necessary, for the expenses of the Ninth Legislature.—Approved January 13, 1905.....	11
2	AN ACT for the relief of E. G. Bickerton for services as a licensed auctioneer in the matter of the sale of certain school lands in King County, and making an appropriation therefor.—(See note, page 12) .....	11
3	AN ACT for the relief of the Puget Sound Saw Mill and Shingle Company for money paid on a contract for the sale of tide lands, and making an appropriation therefor.—(See note, page 13) .....	12
4	AN ACT repealing Chapter LIX, Session Laws of 1899, same being an act entitled "An act relating to the law of libel and providing for opportunity of retraction of libel," and declaring an emergency.—Approved January 19, 1905.....	13
5	AN ACT to increase the number of judges of the Supreme Court of the State of Washington, relating to the powers of said Court, and declaring an emergency.—Approved January 19, 1905 .....	14
6	AN ACT to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, making an appropriation therefor, and repealing Chapter One Hundred and Eighty-eight (188) of the Session Laws of 1903, and declaring an emergency.—Approved January 25, 1905.....	15
7	AN ACT providing for the survey, establishment and repair of certain State highways, and making an appropriation therefor.—(See note, page 23) .....	18
8	AN ACT to provide for the extermination of coyotes and wolves in the State of Washington, and for the payment of bounties for such extermination, and making an appropriation therefor.—(See note, page 25) .....	23

## LIST OF ACTS—CONTINUED.

Chap	TITLE.	Page.
9	AN ACT providing for six judges of the Superior Court of the State of Washington, in and for King County, and fixing the term of office of the additional judge appointed, and providing for the election of a judge at the general election in November, 1906, and providing for the election of six judges at the general election in November, 1908, and every four years thereafter, and declaring an emergency.—Approved February 3, 1905....	26
10	AN ACT amending Section 6561 of Ballinger's Annotated Codes and Statutes of Washington, same being Section 2904 of Pierce's Washington Code, relating to security for costs in Justice Courts.—Approved February 3, 1905.....	27
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**NOTE BY INDEXER :** House bill No. 41, entitled, "An act to provide for the payment of assessments against lots or tracts against which general tax certificates of delinquency are sought to be foreclosed," was passed by the House and Senate, but was vetoed by the Governor, and filed with the Secretary of State with the reasons for such veto attached thereto.

The above act was the only one returned to the Secretary's office with veto attached, and no section or portion of any one of the 180 acts covered in the foregoing pages were marked vetoed, and with the exception of House bill No. 41, are published in full.

The title to Chapter 111, page 217, should read: "An act to promote the apicultural (instead of agricultural) interests," etc.

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